

**SEX WORKERS AS FREE AGENTS AND AS VICTIMS: ELUCIDATING THE LIFE  
WORLDS OF FEMALE SEX WORKERS AND THE DISCURSIVE PATTERNS  
THAT SHAPE PUBLIC UNDERSTANDING OF THEIR WORK**

by

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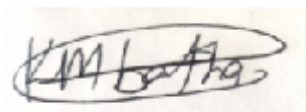
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January 2019

## Declaration

I declare that “Sex workers as free agents and as victims: Elucidating the life worlds of female sex workers and the discursive patterns that shape public understanding of their work” is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references.

A handwritten signature in black ink, appearing to read "Kim Leung", enclosed within a hand-drawn oval.

SIGNATURE

31 January 2019

DATE

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## **Abstract**

In South Africa and many other countries worldwide, sex work is criminalised. This invariably seems to lead to back-door prostitution - an unregulated industry where sex workers are vulnerable to being exploited by pimps, brothel owners and law enforcement officers. In discussions about sex work and sex workers, two dominant views are evident: a) Sex workers freely choose to sell sex as a good way of earning an income; or b) sex workers are victims of their circumstances who are driven into the industry through direct coercion or as a result of dire poverty. Together, these views lead to an ideological trap in terms of which sex workers have to be perceived either as having agency and free will or as being helpless victims in need of rescue. My aim in this thesis was to problematise, deconstruct and reconstruct the discursive field within which sex work is embedded, in order to move beyond agency-victimhood and similar binaries, and in the hope of developing new ways of talking about prostitution that acknowledge the complexity of the sex industry rather than shoehorning it into preconceived categories. Social constructionism (epistemology), critical social theory (ontology) and discourse analysis (methodology) were interwoven in order to provide a broad, critical understanding of prostitution. Two data sources were used to gain access to and unpack the life worlds of sex workers: Semi-structured interviews with five sex workers in Johannesburg and the “Project 107” report on adult prostitution in South Africa. Foucauldian discourse analysis was used to make sense of the data, including an analysis of how concepts such as governmentality, power, confession, surveillance and technologies of the self can be applied to contemporary texts about prostitution. The “Project 107” report recommended that prostitution should not be decriminalised, and that sex work should in fact not be classified as work; instead, it proposed a ‘diversion programme’ to help sex workers exit the industry. I show how, in doing this, the report appears to hijack feminist discourses about sex workers as victims in order to further a conservative moral agenda. The sex workers I spoke to, on the other hand, demonstrated an ability to take on board, and to challenge, a variety of different discourses in order to talk about themselves as simultaneously agentic and constrained in what they can do by unjust social structures. I show how, from a Foucauldian perspective, sex workers can be seen not as pinned down at

the bottom of a pyramid of power, but immersed in a network of power and knowledge, enabled and constrained by ‘technologies of the self’ to assist in policing themselves through self-discipline and self-surveillance to become suitably docile bodies within the greater public order.

**Keywords:** confession, critical social theory, decriminalisation, discourse analysis, Foucault, governmentality, power, prostitution, prostitutes, sex work, sex workers, surveillance, SWEAT.

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# **CHAPTER 1**

## **SPEAKING FREELY?**

### **PROSTITUTION AS LIVED REALITY AND AS AN OBJECT OF STUDY**

#### **1.1. Introduction**

It is often claimed that prostitution (sex work) is one of the earliest forms of work recorded or, as the phrase goes, ‘the oldest profession’ (Carpenter, 2000; Chateauvert, 2013; Clarkson, 1939; Jeffreys, 2008a; Kingston, 2014; Terfa, 2011; Trotter, 2008a). Clarkson (1939) points out that the earliest use of the concept ‘prostitution’ dates back to 4000 B.C. However, despite this long tradition, sex workers continue to be subjected to violence, intimidation, ridicule and victimisation and are ostracised from society. Sex workers are subjected to inhumane treatment from law enforcers and pimps (Fick, 2007; Gould & Fick, 2008) and they are vulnerable to violence and abuse from clients. This is compounded by the fact that sex work as a profession is illegal, which forces sex workers to become ‘invisible’ (Ham & Gerard, 2014) in the eyes of the law, particularly in respect of crime reporting. Clients are more likely to abuse sex workers knowing that they will not risk handing them over to police. Street-based sex workers are the most vulnerable because they often end up alone with their clients in cars, open fields, unused building or at the client’s place, but all types of sex workers are vulnerable to attack.

Not surprisingly, therefore, many sex worker stories are full of anecdotes of sexual and physical abuse at the hands of clients, pimps and law enforcers (Fick, 2007; Gould & Fick, 2008). In addition, the nature of sex work is conducive to high levels of competition (SWEAT, 2005) and there are instances where sex workers fight with each other over issues such as ‘territory’ and access to clients. Stabbings among sex workers are a relatively common occurrence (SWEAT, 2005). In addition to overt violence, sex workers are constantly subjected to stigma and discrimination by society (Kingston, 2014; Sanders, 2004; Sanders, O’Neill & Pitcher, 2009). Popular discourses of sex workers include among others discourses of immorality, of being dirty and disease-ridden, and of being drug-dependent (Chateauvert, 2013; Jeffreys, 2008a; Wilson, Chiroro, Lavelle, & Mutero, 1989). However, despite the direct and indirect victimisation that sex workers face, they are also sometimes depicted in public discourse (Fin24, 2014; Health24, 2015), in their own accounts (SWEAT, 2005), and in the academic literature (Chateauvert, 2013; Ham & Gerard, 2014; Jeffreys, 2008a; Pateman, 1999) as more than just victims, but as skilled workers and entrepreneurs who have freely chosen an honourable profession. In this view, sex workers are fully agentic

and capable human beings, but are hamstrung in the performance of their legitimate business by the (possibly unconstitutional) criminalisation of what they do.

In South Africa and many other countries worldwide, sex work is criminalised (Fick, 2007; Gonzalez, 2015; Krusi, Pacey, Bird, Taylor, Chettiar, Allan, Bennett, Montaner, Kerr, & Shannon, 2014). This invariably seems to lead to back-door prostitution - an unregulated industry where sex workers are exploited by pimps, brothel owners and law enforcement officers (Gould & Fick, 2008; Jeffreys, 2008a; Trotter, 2008a). In most cases, when sex workers in an unregulated environment are abused, it goes unreported and culprits escape prosecution (Fick, 2007). For this reason, criminalising sex work can be seen as unconstitutional and a human rights violation (Chateauvert, 2013; Gould & Fick, 2008). From a financial perspective, millions of taxpayers' money is wasted on trying to curtail the sex industry, particularly sex workers. Police have to enforce the law and that puts a burden on resources and time that could have been utilised in dealing with more serious and violent crime (Fick, 2007). According to Mgbako, Bass, Bundra, Jamil, Keys and Melkus (2013), the South African government spends 14 million rands per year to police and prosecute sex workers.

While working in collaboration with the Sex Workers Education and Advocacy Taskforce (SWEAT), it became evident to me that there is a dearth of psychological literature on sex workers. Most studies are carried out by researchers in the fields of sociology, law, social work and penology, and by non-governmental organizations that push their advocacy agendas. In addition, most of the literature appears to operate on a relatively non-reflexive level – detailing ways in which sex workers are victimised or (more rarely) how they exercise individual and collective agency, but seldom pausing to consider how the very idea and reality of sex work may be socially constructed in the discursive space between these two apparent polar opposites. These two binaries are problematic as they simplistically categorise individuals who are diverse and an industry that is complex. Grouping individuals and the industry into two extreme poles often results in allegiance to a single perspective and tends to shift attention away from the real issues that sex workers face on a daily basis. Taking an either-or perspective on sex work does not, for example, take into account the socio economic inequalities between men and women and how this plays out in situations where sex is bought and sold. In the labour force, both formally and informally, men have more opportunities than women (England, 2005; Kolev & Sirven, 2010; Orr & Van Meelis, 2014) and constructions of women as homemakers further perpetuate the stereotype that ‘a

woman's place is in the kitchen' rather than in the workplace (Bowman, 2014; Treas, Van der Lippe, & Tai, 2011).

My aim in this thesis is to problematise, deconstruct and reconstruct the complex field of sex work / prostitution, beyond the agency-victimhood binary, with the hope that new ways of theorising and talking about prostitution can be developed that take into consideration the complexity of the sex industry rather than shoehorning it into preconceived categories.

I aim to elucidate both the life worlds of female sex workers and the discursive patterns that shape public understanding of their work. I hope to unpack how the agent-victimhood tension is constructed in text by the media, academics, intellectuals, legal institutions and sex workers themselves. If resistance and activism by or with sex workers are to stand a chance of making a real difference, it seems likely that it needs to be based on a more nuanced and intimate understanding of how sex workers are discursively positioned as both victims and free agents. It is hoped that with this research, more could be understood with regard to the discursive construction of sex workers (Boyle, Dunne, Najman, Western, Turrell, Wood, & Glennon, 1997) – both in the sense of how they experience the tension between agency and victimhood and in how the tension is discursively mediated.

Most sex workers, particularly low-paid female sex workers, live under trying circumstances where their safety is compromised (Decker, Pearson, Illangaserake, Clarke, & Sherman, 2013; Qiao, Li, Zhang, Zhou, Shen, Tang, & Stanton, 2014), and the steps taken by organisations such as SWEAT to directly address this (e.g., by advocating for more humane policing) are to be applauded. However, long-term, sustainable change requires that not only practical matters should be addressed, but also that the discursive mechanisms by which sex workers are positioned, and position themselves, should be considered in an environment that is hostile. It is important to understand the ways in which sex workers draw on and feed into larger discursive patterns in order to be able to experience and talk about their work as, at least in part, an expression of free will and, in part, imposed by circumstances beyond their control. In addition, victim-talk and agency-talk are not the only two discourses that circulate around sex work, but there are others that may in various ways feed into this basic dichotomy, for example, talk about prostitution often seems to draw on a 'fear discourse' (e.g., prostitutes seen as vectors of disease) and a 'morality discourse' (e.g., prostitutes seen as enablers of infidelity). I hope that this thesis can contribute to an understanding of the 'psychology' of sex workers, not only in the usual sense of understanding the psychological distress that accompanies their difficult circumstances (Boyle, Dunne, Najman, Western,



Turrell, Wood, & Glennon, 1997) or the underlying motivations that encourage them to choose sex work, but also how they are constrained and enabled by the discursive possibilities that exist in and around sex work.

## **1.2. Theoretical framework**

The theoretical grounding of this thesis is shaped by three, often parallel, schools of thought: social constructionism, critical social theory and discourse analysis. These approaches are relevant in debates on prostitution as they provide a critical perspective on how taken-for-granted everyday talk shapes (and is shaped by) what we know about prostitution and the institutions that control and define it. Each of these approaches incorporates elements of epistemology, ontology and methodology, but to different degrees. Broadly speaking social constructionism focuses on epistemology (the politics of how we know what is true), critical social theory focuses on ontology (the actual nature of the social world), and discourse analysis on methodology (the pragmatics of how to study the social world). I recognise that a purest approach would insist on more sharply delineating the contradictions and dividing lines between these approaches, and within each approach, but for the purposes of starting to develop a deeper understanding of prostitution I believe that the three approaches can be used in concert. A more detailed discussion of these approaches and how they differ and overlap will be provided in chapter five.

## **1.3. Some terminological matters**

There is no agreement in the academic literature, legal documents or among the general public on whether to use the term ‘prostitution’ or ‘sex work’ when referring to men and women who sell sex in exchange for money or other material benefits. Therefore, I feel that it is necessary to position myself and clarify why and when I shall use these two terms. Most commonly prostitution is defined as offering or agreeing to engage in, or engaging in, a sex act with another person in return for a fee (Beran, 2012). Sex work, on the other hand, is broadly defined as “commercial sexual services, performances, or products given in exchange for material compensation” (Weitzer, 2000, p. 3). ‘Sex work’ can therefore be seen as a somewhat more broad-ranging term than ‘prostitution’, but the difference in meaning between the two terms is not very clear-cut. More important than semantic differences, are differences based on political considerations. The term ‘sex work’ is usually deployed by those who are concerned with enhancing the dignity of sex workers and improving their employment conditions by positioning what they do as on a par with other forms of labour,

whereas ‘prostitution’ is often used by more moralistically-oriented individuals and institutions as a euphemism for even more hurtful terms such as ‘whore’ or ‘slut’. However, the distinction is not as simple as this. Prostitution has (as pointed out earlier) a very long history, which present-day prostitutes have a legitimate claim to be a part of, whereas ‘sex work’ is a recent invention and speaks to current social arrangements. In the same way as, for example, non-heteronormative groups have appropriated the term ‘queer’ as a label of pride, there is nothing inherently demeaning about the term ‘prostitute’, and it may also in time become fully reclaimed.

In this thesis I will largely use ‘sex work’ to refer to a wide range of activities where sex or sexual services are exchanged for money or other material benefits (Outshoorn, 2005) because it focuses attention on the occupational health and safety issues of the sex industry and because, for better or worse, the term is perceived as less stigmatising. However, I will also refer to sex work as prostitution, in recognition of the historical, political and social impact of the term and the use of the term by other academics.

#### **1.4. Outline of the thesis**

The thesis consists of eight chapters. In Chapter 1, I introduce the thesis. In Chapter 2, I discuss the history and historiography of prostitution by focusing on a number of historical ‘snapshots’, including the Convict Era in Australia, Victorian Britain, and contemporary Africa (especially South Africa) since the 19<sup>th</sup> Century. The chapter concludes by considering a much-neglected aspect of the history of prostitution, namely instances of collective agency when prostitutes have rallied together to improve their place in society. Chapter 3 ‘maps’ the prostitution industry in terms of key players and institutions and reviews a set of common truths (or myths) that circulate in this industry. I then discuss four formal theoretical approaches to prostitution (the functionalist perspective, the criminological and legal perspective, the social constructionist perspective and the feminist perspective). I review formal and informal ways of socially managing prostitution that have arisen from, and in response to, this constellation of players, institutions and ideas. Chapter 4 provides a detailed discussion of the role played by feminists (and different traditions and approaches within feminism) in the debate on prostitution, including the often strained relations between feminists and prostitutes. Chapter 5 discusses three theoretical lenses, namely social constructionism, critical social theory and discourse analysis. In Chapter 6 I describe the ‘encounter with data’ used in an empirical study that forms part of the thesis, including the use made of Foucauldian discourse analysis. Chapter 7 is divided into two parts. Part 1

explores the discursive constructions among sex workers as revealed in conversations with different sex workers around Johannesburg. Part 2 presents the discursive landscape of prostitution as embodied in a report compiled by the South African Law Reform Commission on adult prostitution in South Africa, supplemented by extracts from conversations with sex workers. Chapter 8 concludes the thesis and suggests possible ways forward.

## CHAPTER 2

### THE HISTORY AND HISTORIOGRAPHY OF PROSTITUTION: FOUR SNAPSHOTS

#### 2.1. Introduction

Writing and talk about prostitution almost invariably constructs the phenomenon as somehow scandalous. Those who attempt to make sense of prostitution by condemning or supporting it, or merely by making a statement about it, are perceived as ‘brave-hearts’ for venturing into semi-taboo discursive terrain. Despite, or possibly because of, this whiff of scandal, academic interest in prostitution and sex work appears to be increasing. A fair proportion of the academic literature on prostitution concerns the history of prostitution, but in the main it attempts merely to recount historical ‘facts’ rather than to unpack the historiography and discursive construction of the phenomenon (Caslin, 2010). This is especially the case in South Africa where many writers (e.g., Gould, 2010; Gould & Fick, 2008; Pretorius & Bricker, 2011) somewhat uncritically use international literature as a springboard for mapping prostitution (and its history). In some cases, African writers, especially those from religiously conservative countries such as Nigeria, use the bible as a foundation for understanding the history of prostitution (e.g., Aloba & Ndifon, 2014; Tyoanande & Samson, 2014). In countries with a rich history of monarchical systems, such as Ethiopia and Nigeria, the history of prostitution is typically traced back to a possibly romanticised depiction of nomadic values inherent in such societies.

Rather than attempting a ‘straight’ historical account, or reading the past through the lens of religion or cultural romanticism, in this chapter I try to show how the history of prostitution is constructed in particular ways in contemporary historical writings, *and* how prostitution has (actually) been constructed in the past. These two imperatives are inevitably in competition in a review such as this, as I rely on the very writings that I treat as overtly constructive (rather than factual) to provide information about the actuality of how prostitution was constructed at particular historical moments. In what follows, I try to manage this contradiction by flagging, as far as possible, when I am referring to the literature as a source of information about the history of how prostitution has been socially constructed, versus when I am referring to it as actively constructive in itself.

This chapter attempts to tap into the history and historiography of prostitution across time and place by highlighting a selection of historical turning points that appear to have had a profound impact on how prostitution is constructed. I identify some of the main discourses that dominated different societies at different points in time, but do not attempt to provide a seamless historical account. Instead, I focus on a number of historical ‘snapshots’, namely the Convict Era in Australia, Victorian Britain, and contemporary Africa (especially South Africa) since the 19<sup>th</sup> Century. The final snapshot involves a much-neglected aspect of the history of prostitution, namely instances of collective agency when prostitutes have rallied together to improve their place in society. The snapshots are all taken from the era since industrialisation began in the West as prostitution as we now know it is a phenomenon that exists within an industrial and capitalist milieu. As “the world’s oldest profession”, prostitution did of course exist in earlier times, such as in ancient Babylon where women are said to have met once a year at the sanctuary of *militta* to have sex with a foreigner for a symbolic price as a sign of hospitality (Terfa, 2011). The bible also offers many glimpses of prostitution in the ancient world, usually in the context of condemning it as sinful. However, here my focus is on (the social construction of) prostitution in more modern times.

I hope that this introductory chapter will elucidate how talk-in-action and perception shaped (and continue to shape) the social imagery of a prostitute, in particular as it relates to the binary of victimhood versus free agency.

## **2.2. The Convict Era (1788-1868) in Australia**

The first historical snapshot focusses on Australia, a country that ‘came into being’ partly as a result of the deportation of criminals from the United Kingdom. Of the convicts deported to Australia, about 20% were women, but none of these had been convicted of prostitution, as prostitution was considered a ‘non-transportable offence’ (Frances, 2007). However, as is detailed below, female convicts have since become widely regarded as prostitutes, and many appeared indeed to have engaged in prostitution in one form or another. During the Convict Era (between 1788 and 1868), prostitution was in itself not illegal. Many of the acts (such as keeping a brothel) that accompanied the trade were however illegal. Until Sexually Transmitted Diseases (STDs) began to assume epidemic proportions in the 16<sup>th</sup> century, brothels were allowed to operate in municipal areas across Europe (Terfa, 2011).

The Vagrancy Act of 1824 in the United Kingdom (Caslin, 2010; Frances, 2007; Walkowitz, 1980a), which punished prostitutes with fines and imprisonment is a perfect example of how society attempted to deal with deviant women. The category of a prostitute was however vague, with women who wandered the streets and who caused ‘annoyance’ to passers-by labelled as prostitutes (Caslin, 2010) or as mentally ill (Foucault, 1978). It is important to connect the history of prostitution in Britain and Convict Australia because to a large extent the latter followed British legal practices (Frances, 2007).

The Contagious Diseases Acts (CDA) that were also introduced in Australia targeted the poor, powerless and women who were classified as social outcasts, specifically Aboriginal prostitutes (Jebb, 1984). As if that was not enough, in 1908, the Western Australian government began the process of building Lock Hospitals, that also targeted venereally diseased Aborigines as these Lock Hospitals were not found in areas populated by the white population until 1915 (Jebb, 1984). Parallel to how prostitutes of colour were treated unfairly by the vice police in Britain (see Walkowitz, 1980a), Aboriginal women who were put in Lock Hospitals were subjected to segregation, compulsory treatment of venereal diseases (although in some instances the medication failed and cases of misdiagnosis were frequent) and state control because they were seen as outcasts (Biskup, 1973; Jebb, 1984).

According to Frances (2007) more than 20% of women were openly selling sex in Britain before they were convicted (for other crimes) and shipped to Australia. Frances (2007) provides evidence that prostitutes in Australia (even as far back as the Convict Era) were diverse. Many were mothers, lovers, and wives in addition to being prostitutes, and some engaged in other work besides the sale of sex. As elsewhere, prostitution during the convict Era in Australia is commonly understood to have taken two forms. At the one extreme is a discourse of prostitutes as streetwalkers and drug addicts who come from broken families, who ply their trade in cold and dangerous places, and who sell sex cheaply. At the other extreme is a discourse of high class ‘call girls’ who ply their trade privately and who charge exorbitant prices for sex (Frances, 2007).

The economic climate of the time and the class system constructed a context where most working class women struggled to get by (Frances, 2007). Working class women usually had unsatisfactory and underpaying jobs such as hairdressing and millinery (Frances, 2007). As many as half of the needlewomen and shop workers were driven by underemployment and low wages to resort to sex for money in order to survive (Frances, 2007). This particular

discourse of sex for survival keeps ‘memeing’ itself across the world in academic, political, legal, public and private debates. One could expect that in developing and poor countries, this discursive pattern is dominant and the authorities would take into account that for some, prostitution is a form of work. However, as we know, in most developing and poor countries, sex work is illegal (Fick, 2006; Gould & Fick, 2008; Ham & Gerard, 2014).

During the Convict period the ratio was two men for each woman (Frances, 2007), but some areas, such as New South Wales (a booming industrial area in the 1780s), had an even larger concentration of men, with four men for every one woman – which created a huge demand for commercial sex (Frances, 2007). These conditions can be seen as helping to establish a pattern of gender and financial relations that persist into the present, namely ‘sexually starved’ men with cash in hand who use their relative wealth to exert power over women who could often only claim their share of the newly created industrial wealth through the sale of sexual services (Frances, 2007).

The Convict Era can also be seen as an early example of a persistent sexual and gender pattern, namely the idea, which according to Frances (2007), was common among Australian men at the time, that convict women (including prostitutes) were sexually attractive because they promised the types of thrill, adventure and danger that were not available elsewhere (Frances, 2007). This is mirrored in present day circumstances where prostitution is often presented as being concentrated in dangerous places such as slums, shebeens (or taverns), nightclubs and alleys (James, 2012; Nicolson, 2012; Staff reporter, 2012). Convict women were not only perceived as exciting and dangerous, but in actual fact threatened the general social order and personal reputation and respectability of these men (Frances, 2007). In spite of the attraction, there was a generally negative perception of prostitutes, particularly from the higher class, educated and literate population (Frances, 2007; Walkowitz, 1980a, 1980b) even though they continued to exploit them sexually. One Superintendent General used concepts such as “dirty, blasphemer, drunkard, idle, fond of exciting uproar, a devil incarnate, a dangerous woman to man” (Frances, 2007, p. 25; Tardif, 1990) to describe women who were accused of prostitution. These concepts provide a glimpse of the moral judgement which was dominant at the time and which was perpetuated by the spread of conservative Christian evangelism (Frances, 2007), but co-existed with a somewhat more covert discourse of prostitutes as exciting and as providing a necessary service to satisfy male sexual appetites.

The ‘moral guardians’ of society attempted at the time, as they still do, to protect the ‘model family’ and men from prostitutes who might lead them into immoral behaviour outside the safe confines of the family (Alobo & Ndifon, 2014; Caslin, 2010; Jarvinen, 1993; Walkowitz, 1980a). However, men continued to be attracted to prostitutes as a source of excitement and exploration (Frances, 2007). As much as men (and society in general) attempted to define boundaries of acceptable behaviour, in actual fact they were continually crossed.

The long voyage to Australia inevitably involved proximity between men and women and could have facilitated sexual relations between convict women, captains and deck crew. As much as interaction was natural, captains, surgeons, and seamen used their positions of power to lure convict women with necessities such as food, drinks, clothes and money (Frances, 2007). Once in Australia, convict women were similarly forced to extend favours to superintendents if they wanted a positive evaluation from them, as is detailed in various case studies by Frances (2007). Thus, the Convict period created a context for ‘survival of the fittest’ (meaning the most willing to please men), which led to the exploitation of women. Exchanges occurred from trading sex for better accommodation on the ship, food, alcohol, tobacco, to sharing a bed (Frances, 2007). Some convict women engaged in sexual encounters with men for different reasons, including protection, support and rations (Frances, 2007).

The attitude of the educated, literate and powerful upper class in Australia was often negative of the convict woman. The upper class did not understand the rough culture of drinking, smoking and swearing that was common among the lower class, and equated rough culture with sexual promiscuity (Frances, 2007). We can see echoes of this in how South African townships in the 21<sup>st</sup> century are depicted as sites where such behaviour often occurs – see, for example, the writings of Cohen (2012), Moller, Erstad and Zani (2010), Setshedi and de la Monte (2011), Watt, Aunon, Skinner, Sikkema, MacFarlane, Pieterse and Kalichman (2012).

An attempt in Australia, during the 1990s, to correct the history of moral judgement of the lower classes and prostitutes, involved the erection of a statue of a prostitute named Joy – believed to be the only statue of a prostitute anywhere in the world (Frances, 2007). Much of the reaction was, as might be expected, condemnatory and coupled with demands that the statue should be removed as it portrays a worthless individual, i.e. a prostitute, instead of celebrating worthy citizens such as soldiers (Frances, 2007). The statue was taken down after



eighteen months. There is, of course, a certain irony in glorifying soldiers while condemning prostitutes, in that prostitutes have long provided sexual services to soldiers, whose services to society entails killing people (Frances, 2007; Jeffreys, 2008a; Walkowitz, 1980a, 1980b).

The power relations between women and their 'masters', the male desire for sex, male exploitation of women, meanings of commercial sex for women who offered sexual services, relationship between convict authorities and women in their charge (care) and the cultural exchange all played a role in the construction of prostitutes and the institution of prostitution. Frances (2007) postulates that some women who were convicts offered sexual services as a means for survival. These are the women who spent years travelling from Britain to 'Convict Australia'. Some trips would take up to seven years (Frances, 2007). The living conditions during the voyage were miserable. Convict women exchanged sexual favours with captains, surgeons, deck crew and so forth purely to get preferential treatment and to make the voyage bearable (Frances, 2007).

As Foucault (1972) warns, historians and historiographers are in a privileged position of power through the institutions they belong to. History is often skewed; without using the lens of genealogy, one could fall in a trap of consuming historical 'facts' at face value and treat them as 'truth'. The prostitution literature and largely, popular literature on the history of Australia often silences the voices of Aboriginal inhabitants and writes out (and ignores) their stories. This is evidenced by the dearth of historical literature on the history of prostitution among Aboriginal Australians. The scant literature suggests that white men in Australia were more likely to be having sexual relations (consensual, non-consensual, and paid) with Aboriginal women (Broome, 1982). The establishment of the 1905 Aborigines Act, made cohabitation and travelling with Aboriginal women an offence (Broome, 1982; Edwardi, XIV, 1905; Jebb, 1983), which suggests that before then, relations (including sexual) between white colonists and Aboriginal women were common.

The hidden history of prostitution (Frances, 2007) brings to light the power struggle between women who were from poorer background and the middle to higher class men. The power relations were such that 'masters' exploited these women. Domestic services which had an excessive percentage (67%) of convicts transported from England was the most affected. Service 'masters' and their sons exploited women who worked for them. It was a norm for female 'servants' to 'oblige' masters and their sons' sexual services. The so-called

‘respectable society’ (Frances, 2007, p. 10) saw nothing wrong but this as an ‘intrinsic part’ (Frances, 2007, p.10) of their job.

The institution of prostitution created (1) prostitutes who were in transit, those transported from Britain to Australia and (2) transience prostitutes who perceived prostitution as a short – term solution to their economic predicament (Frances, 2007; Walkowitz, 1980a). As mentioned elsewhere, most working class women had unsatisfactory and underpaying jobs.

Walkowitz (1980a) demonstrated the power of the social imagery of prostitution in the Victorian era (and to an extent, the Convict Era). Interestingly, during the Victorian era, police hardly arrested a girl below sixteen years for prostitution. However, there was a general consensus that child prostitution was rife. This might have been product of sensational journalism intended to capture the attention of the Victorian society which was salacious (Frances, 2007; Walkowitz, 1980a, 1980b).

The history of the Convict Era illustrates the extent to which the intimate exchanges involved in the act of prostitution should be understood as enacted against the larger backdrop of social, economic and political structures. In some ways the roots of prostitution in Australia can be found in the exploitation of women by the British government in the act of banishing them to Australia, often for relatively petty crimes. In Frances’s words, the British colonial authorities were “imperial whoremasters” (Frances, 2007, p.17) who, in effect, practised “enforced whoredom” (Frances, 2007, p. 17). Thus the question of agency versus victimhood should be understood not only from the perspective of the personal histories of prostitutes and their clients, but also as a binary that is re-enacted on a larger social (and discursive) scale.

### **2.3. Victorian Britain (1837-1901)**

The deportation of convicts to Australia started during the Georgian era in Great Britain and came to an end during the Victorian era. Victorian Britain was constructed around ideas of peace, prosperity, refined sensibilities and national self-confidence (Levine, 2003; Frances, 2007), but social life included many less elevated pursuits, including, as Walkowitz (1980a) reminds us, prostitution - which was a basic part of social life in Victorian Britain. Men from diverse social strata used services provided by prostitutes and prostitution was an economic necessity for many poor women (Bullough, 1964; Levine, 2003, Walkowitz, 1980a, 1980b).

### 2.3.1. The policing of prostitution

As the Victorian era progressed, prostitution became increasingly controlled by vice police and the social welfare authorities (Jarvinen, 1993; Levine, 2003; Walkowitz, 1980a), often as part of social and legal measures against vagrancy and disease. Harsh punishments such as long term incarceration, institutional care and forced labour were put in place for those who were found guilty of a variety of offences related to prostitution. There were concerted efforts by the authorities to eradicate prostitution (Frances, 2007; Levine, 2003; Walkowitz, 1980a) and many ‘civilised’ policies that tried to curb prostitution were introduced in an attempt to fit into a ‘globalised and civilised’ society (Frances, 2007).

The Contagious Diseases Acts (CDA) of 1864, 1866 and 1869 were mainly aimed at curbing and controlling the spread of venereal diseases among men in ports and in military (garrison) towns (Caslin, 2010, Jarvinen, 1993; Levine, 2003; Walkowitz, 1980a). The CDAs targeted women who were suspected of being prostitutes and this perpetuated the idea of females as conduits of infection and males as mere victims who had to be protected. A woman diagnosed with a venereal disease was assumed to be a prostitute, whereas a man was treated purely as a patient. In some cases, prostitutes were managed and regulated by being kept behind closed doors and locked up so that they would not disturb the social status quo as is evidenced in the Vagrancy Act passed in 1824 which punished “prostitutes who wandered in public in a ‘riotous or indecent manner’ with either a fine or imprisonment” (Caslin, p. 15).

In addition to the Vagrancy Act, the Metropolitan Police Act of 1839 went a step further and stated that “prostitutes who lead to the annoyance of passers-by in London would be fined” (Caslin, p. 16). Individually and collectively prostitutes and other women were of course more than passive victims of Victorian social engineering. Florence Nightingale, for example, objected to the CDAs, challenging the moral discourse on which they were premised and pointing out that they in effect “sanctioned vice” (Walkowitz, 1980a, p. 1). As with many acts of resistance, this offered an opportunity for women to interrogate gender and class discourses and how these shape the political, economic and medical landscape (Walkowitz, 1980b). For the ‘first wave’ feminists of the time, this was an ideal opportunity to demonstrate how class and gender intersects to form a potent cocktail where women are reduced to objects by the patriarchal society, as evidenced by the degrading physical examination and treatment of ‘vice women’ by male doctors and policemen. That this had

some effect is evidenced by the discomfort felt by (male) politicians who found it difficult to deal with this type of rebellion. As one Member of Parliament is quoted as saying:

“We know how to manage any other opposition in the House or in the country, but this is very awkward for us-this revolt of the women. It is quite a new thing; what are we to do with such an opposition to this?” (Walkowitz, 1980a, p. 1).

Among the problematic aspects of the CDAs and other similar legislation was the intersection between sexuality, morality and gender. Women who were suspected of being prostitutes were subjected to forced genital examination whereas their male counterparts were exempted as it was thought that men would be demoralised (inter alia because many of these men were sailors or soldiers) (Walkowitz, 1980a). This is a pattern that continues into the present: Sex workers are vilified while the clients are exempted from moral judgement.

### **2.3.2. Prostitution as a form of work**

During the Victorian era prostitution was viewed, as it continues to be now, as a social evil, but there also emerged an alternate construction, namely of prostitution as simply another form of work. The discourse of prostitutes as workers was largely influenced by Marxist theorising, which postulated that prostitution is a form of work, the prostitute is a worker and that prostitution is a legitimate part of the socialist struggle for the rights of workers (Ward, 2006). In the Marxist view, prostitution is a product of bourgeois society. However, prostitution blurs the categories of a bourgeois economics as the prostitute is simultaneously a worker, a commodity, and a capitalist entrepreneur (Bell, 1994).

Traditional working class expectations were that women had to contribute to the family income. Revisiting social characteristics of a prostitute, it is evident that society constructed an image of a poor, struggling, destitute, ‘needing to be rescued’ soul. This imagery led to the construction of institutions which set themselves up as ‘rescuers’ and protectors of such women. However, as seen with the introduction of the Contagious Diseases Acts, laws that outlawed prostitution, the rise of brothels and halfway houses, these institutions perpetuated and reconstructed the imagery of a victim prostitute.

The sex and prostitution industry can also be seen as unusual in another respect, in that it was dominated by the secrecy discourse which was prevalent in the Victorian era with regard to sexual matters. Prostitutes were ‘allowed’ to ply their trade so long as they restricted themselves to discreet accommodations so as not to cause a public nuisance (Caslin, 2010;

Walkowitz, 1980a). The secrecy that surrounded prostitution, and sex generally, led (and still leads) to the ‘invisibility’ of prostitutes and to sex being relegated to private spaces, such as bedrooms and brothels (Foucault, 1978).

In the nineteenth century, it was difficult to differentiate prostitutes from the general working class as prostitutes could hold dual jobs and function as part-time prostitutes. It was also not uncommon for prostitutes to perceive their work as transitional (Ellis, 1927; Hobson, 1990; Kann, 2013). The discourse of prostitution as transitory is still prevalent in the 21<sup>st</sup> century as one finds many prostitutes who perceive themselves as part of a ‘community in transience’ (Moran, 2013; Spindler, 2016; Weitzer, 2005). This community is made up of students, hairdressers, waitresses and so forth who engage in prostitution to supplement their income during financially difficult times, but who may not be committed to prostitution as a long-term career. However, some ‘experts’ of the time disagreed with the claim that prostitutes often had a dual-work identity. For example, Cooper (as quoted in Walkowitz, 1980a) refuted the dual work identity ‘defence’ put forward by prostitutes (Walkowitz, 1980a). Cooper’s idea of ‘work’ did not include prostitution and thus ruled out prostitution as a legitimate second income stream. This is unsurprising as it talks of how the Victorian society was structured, how it defined work and workers: A worker had to fit into a binary of being full-time employed or not, and if not, would be labelled an outcast. This idea was also contained in the closing arguments brought forward in support of the Contagious Disease Act of 1864 (Walkowitz, 1980a).

### **2.3.3. Class and gender binaries in the construction of prostitution**

The Victorian period saw society and the state giving sexual license to men while bending over backwards to control the sexual activity of women, in particular prostitution (Walkowitz, 1980a, 1980b). Victorian era discourse around prostitution was suffused with gender biases, but also involved class-based prejudice. Victorian prostitutes, and to a large extent their clients, were from the lower classes, i.e. the “nether regions of society” (Walkowitz, 1980a, p. 3). The social imagery of the typical Victorian prostitute was that of a younger single woman, a casual maid who had an early sexual experience (non-commercial) with a man of similar social class. She was imagined as a local girl, indigenous to the region, but who lived outside the family or was an orphan. This gross over-generalisation, and a specific focus on a marginalised working class by the Victorian bourgeoisie led to ‘othering’ and to further marginalisation and stereotyping of the working class (Walkowitz, 1980a).

Prostitution was in fact by no means exclusively a lower class phenomenon. Victorian era constructions of prostitution contained an inherent contradiction with regard to the prostitute's agency and her (and her clients') social class. On the one hand prostitutes were routinely constructed as "victims of a middle-class seduction and betrayal" (Walkowitz, 1980a, p.13), but on the other hand prostitutes constructed themselves as proletariats who entered prostitution voluntarily (Steinberg, 2017) and serviced men of all classes. The notion of middle-class demand and working class supply was challenged by prostitutes (Steinberg, 2017), and they often presented prostitution as a "sexual and social relationship between men and women of the same social class" (Walkowitz, 1980a, p.14). From this perspective prostitution was seen as a normal sexual activity between two consenting adults with the extra incentive of financial gain for the woman.

It should be remembered that the period was marked not only by economic and industrial growth, but also by greatly intensified critical theorising around the nature of the capitalist economy, seeing both the rise of Marxism and the unfolding of the Industrial Revolution. The Industrial Revolution created opportunities for employment but with the increase in population, this could not be sustained. Between 1851 and 1901, the population of England increased drastically from 16.8 million to 30.5 million (Jefferies, 2005). There were more people and ultimately fewer job opportunities, which led to the exploitation of workers who were pressured into working long hours for lower wages. Moreover, working class women worked longer hours than men and were underpaid (Walkowitz, 1980b). Thus, the voluntary entry into prostitution was motivated by the fact that women who chose prostitution had to work fewer hours and made better pay in comparison to their previous jobs.

The class discourse was often entangled with negative and derogatory constructions of prostitution during the Victorian era. Victorian prostitutes or 'fallen women' were depicted, in the words of Abraham Flexner, as the "unskilled daughters of unskilled classes" (Walkowitz, 1980a, p. 15). General working women with limited opportunities in comparison to the higher class or bourgeoisie learnt to fend for themselves from a younger age. The original working class or 'unskilled class' was concentrated in country-side, and with limited opportunities mainly due to industrialisation, had to move to the urban areas. In most cases, they had to start from scratch, with little or no resources. This created an opportunity for some of them to sell sex as a means of survival (Walkowitz, 1980a).

The influx of people to urban spaces created overpopulation and subsequently homelessness, as some of these people could not find employment and even many of those who did have employment could not afford property of their own. In propertied classes, great emphasis was placed on chastity as it was a requisite for getting married and making sure that the property remained in the family instead of being given to someone else (Arnorsdottir, 2010; Harol, 2006; Schlegel, 1991). The increase of the property-less poor meant, therefore, that female virginity had much reduced economic value (Frances, 2007).

In early eighteenth century Ireland, prostitution was an inevitable part of life, and among the lower class, prostitution was generally accepted as a form of work or at least as a way of eking out a living (Fleming, 2005; Levine, 2003). In an environment where there was high unemployment, prostitution was not seen as a major transgression (Frances, 2007; Levine, 2003). Early eighteenth century society had a generally permissive attitude particularly concerning sexual mores (Caslin, 2010; Walkowitz, 1980a). However, at the beginning of the nineteenth century, more emphasis was put on 'respectability', drawing from the middle class model of a perfect family (Frances, 2007). The middle class wanted to control both lower and upper classes with the conservative Christian morality of anti sensualism (Frances, 2007) that was fuelled by the rise of Christian evangelism (Bebbington, 1989; Frances, 2007; Smither, 2010). Slowly but surely the libertine and care-free sexual behaviour of earlier centuries was replaced by a new discourse of puritan control and repression.

The body politics of sexual repression also played itself out in the symbolism of what females wore. They discarded a flimsy, form-revealing dressing style in favour of corsets and crinolines, with the former 'imprisoning' the female body and the latter providing a little more personal space (Frances, 2007). The self was seen as intertwined with the body and any intrusion into the sanctity of the body was associated with an assault on the integrity of the self. In terms of this kind of morality, a woman who sells sex, is selling her body and thereby deliberately selling her 'self' - which ultimately makes her immoral.

Unsurprisingly, Victorian society placed more pressure on women than men to keep their bodily integrity intact (Cruea, 2005; Stein, 1992). Women's sexuality, unlike that of men, was seen as at the core of their integrity. Sexual behaviour was central to a woman's reputation, which led to 'respectability' particularly if she maintained chastity (Carpenter, 2008; Frances, 2007) which had a knock-on effect as prostitution became less tolerated.

The Society for the Suppression of Vice, which was formed in 1842, played a profound role in the construction of prostitution as an immoral practice and the generally negative discourse around prostitution. It encouraged “social order and public morals” (Frances, 2007, p. 45), which constructed “prostitution as a social problem, requiring active intervention to rescue women involved in prostitution and to suppress the institution itself” (Frances, 2007, p. 45).

The early decades of the nineteenth century saw a rise in the emphasis placed on ‘moral behaviour’ (Foucault, 1978; Frances, 2007; Walkowitz, 1980a). Sexual activity outside marriage was condemned, as was public prostitution, and the ‘authorities’ lashed out at these, sometimes with extreme form of aggression (Frances, 2007). The Victorian period saw enactment of legislation that attempted to curb prostitution or to at least keep it private and away from the public eye. This was futile as prostitution continued unabated. However, prostitutes received a raw deal from law enforcement officers. When a prostitute was sexually assaulted, the law was little inclined to protect her (Frances, 2007; Walkowitz, 1980a). This unfortunately is still the case in present day South Africa and in many countries worldwide that criminalise sex work.

#### **2.3.4. The Venereal Diseases Act**

Victorian society maintained a clear distinction between itself (as imperial masters) and others (the colonies). They perceived themselves to be better and higher up in the hierarchy of civilization in comparison to others. “To be British was to embody civilization, to be born to rule and not to be colonized, not enslaved” (Levine, 2003, p. 4). This perspective also resulted in diseases being racialised and geographised. Venereal diseases in particular were viewed as tropical afflictions, foreign to Britain. Venereal diseases were seen as a threat to the nation, the ‘great race’, and required the implementation of means to control and protect the nation (Levine, 2003). The visibility and public sexual conduct of prostitutes made them an obvious target for this national project as they were perceived to be a main source of contagion and affliction (Jeffreys, 2008a, 2008b; Levine, 2003; Walkowitz, 1980a, 1980b).

Logic and medical science suggests that since venereal diseases are contagious a rational way of dealing with them would be to treat both individuals who participate in the sexual act and who are affected. However, the Venereal Diseases Act (VDA) which was targeted at prostitutes did not make provision for the examination of men who had sexual encounters with prostitutes, a clear indication of the gender bias on which the act was based. Moreover, venereal diseases were far from the leading cause of death in Victorian Britain and the period



when the dangers of venereal diseases dominated the public and medical discourse was in fact when they were in decline (Levine, 2003). The challenge of venereal diseases was not merely their medical and epidemiological realities, but that they threatened the sanctity of the imperial centre as a space of moral superiority, free from the promiscuity that could be assumed to characterise the lower races (Levine, 2003). It challenged the notion that the empire was civilised, well-mannered, proper, and gentlemanly (and lady-like); and it laid bare the unsavoury realities of actual social interaction.

#### **2.4. Prostitution in Africa**

Africa has been a playground of Western powers for centuries. Britain, France, Germany, Portugal, Spain and Italy are notorious for colonising African countries, and arguably in the post-colonial period countries such as the United States and China have continued to practice ‘colonialism by another name’ in Africa. Colonies were ‘forced’ not only to accept foreign rule but also to adopt the way of life of the colonisers. Most Southern African countries (including South Africa, Botswana, Namibia, Swaziland, Zimbabwe and Zambia) have adopted English as an official language because their coloniser was Britain. The same goes for West Africa where the dominant official language is French because most West African countries were colonised by France. This is one of the reasons why ‘prostitution talk’ is challenging to map in Africa, since most of what is publicly available is written in the language of the coloniser.

While bearing in mind that much of the talk and writing about prostitution in Africa is overwritten by colonial languages and forms of expression, it is nevertheless possible to discern certain discursive patterns. Academic writing about prostitution in Africa is, as elsewhere, dominated by a victim discourse which tends to take away the agency of individual prostitutes and prostitute collectives. The victim discourse, although ubiquitous, emerges in the context of different topics and social issues that show clear regional variations. Table 2.1 provides a summary of these patterns across four regions, using two countries from each region as examples.

**Table 2.1. Dominant topics that are addressed in relation to prostitution across four regions of Africa**

<b>Southern Africa</b>	<b>East Africa</b>	<b>North Africa</b>	<b>West Africa</b>
<b>Botswana</b>	<b>Kenya</b>	<b>Morocco</b>	<b>Nigeria</b>
HIV/AIDS	HIV/AIDS	Patriarchy	Immorality
Truck drivers	Tourism	Religion (Islam)	Religion (Islam and Christianity)
Migration	Child exploitation	Unemployment (30% women)	Tradition
Alcohol-sex	Poverty	Public condemnation vs Private condoning	Internal migration
<b>South Africa</b>	<b>Ethiopia</b>	<b>Egypt</b>	<b>Ghana</b>
HIV/AIDS	Poverty	Patriarchy	Immorality
Migration	Sexual exploitation of girls in brothels	Religion (Islam)	Tourism
Internal migration	Trafficking	‘Short-term’ marriages	Poverty
Unemployment	Tourism	Tourism	
	HIV/AIDS		

### 2.4.1. Prostitution in Nigeria

In deeply religious countries such as Nigeria, the immorality discourse is dominant in both academic and social circles (for example, in articles by Alobo and Ndifon, 2014, and by Tyoanande and Samson, 2014). Prostitution is presented as a menace, inimical to family life, a social ill, evil and dirty, and a cause of social instability, environmental pollution, drug addiction, alcoholism, HIV/AIDS, gonorrhoea and syphilis to mention but a few (e.g., Alobo & Ndifon, 2014; Bhunu & Mushayabasa, 2014). Academic writing about prostitution in Nigeria surprisingly often appears to share (rather than merely comment on) such sentiments, seemingly echoing popular talk and writing about prostitution. For example, a Facebook post by Manasseh (2012) which clearly shows the disgust that he harbours towards prostitutes:

*I pray to God to impact in the minds of girls and ladies the spirit of hard work, moral uprightness and dedication to womanhood as their watch word and also pray that God will change the minds of those that are committing these heinous crimes for their own selfish and personal desire and if they refuse to change may God punish and destroy them because their use in the society is useless.*

In this type of discourse, prostitution is not viewed as work, but rather those who practice prostitution are constructed as immoral and in need of God's guidance and grace (and, chillingly, if they do not change their ways, they deserve whatever comes their way). If directed towards a different target rather than prostitutes, such as an ethnic minority, this type of talk would be immediately recognised as hate speech which could lead to violent attacks.

The religious morality discourse from within which much talk and writing about prostitution in Nigeria emerges, is, interestingly, not necessarily based on an accurate reading of religious texts or of African history. For example, some biblical accounts point to prostitutes as free agents and to prostitution as a legitimate form of work, while others show prostitutes as victims and prostitution as a form of slavery. Silver (2006) points out that sacred or temple prostitution was practiced in the ancient Near East. He defines sacred prostitution as "the sale of sexual services under the auspices of a cult/god" (p. 632). Some temples employed prostitutes and directly sold their sexual services to the public; others provided facilities to brothels and individual prostitutes in the form of accommodation (Silver, 2006). The temple was an institution where women were 'kept' so that they could offer sexual services to men in the name of a god. Silver (2006) also points out that the prostitution industry was as diverse as in modern times. Some women choose prostitution to improve their economic status while

others were enslaved by the temple to provide sexual services to the public. It is unsurprising that 'free' prostitutes enjoyed a higher standard of living in comparison to the enslaved prostitutes who were in most cases exploited by their captors.

Various forms of sexual conduct that bordered on prostitution also existed in ancient Africa. For example, Babylonian women met once a year at the sanctuary of *militta*, and had sex with a foreigner for a symbolic price as a sign of hospitality (Terfa, 2011). This practice was so common in Babylon that it was not perceived to be linked to prostitution. The bible, as an ancient text, indicates that prostitution was part of life and that (the Jewish and Christian) God had an awareness of it. Some texts indicate that women who practiced prostitution were cursed. For example, Hosea was instructed by God to "go and marry a promiscuous woman and have children with her, for like an adulterous wife his land is guilty of unfaithfulness to the Lord" (Hosea 1 verse 2, New International Version). Other versions use the word 'prostitute' (Amplified Bible) and 'whore' (King James Version) in reference to a promiscuous woman. In those days, prostitutes were viewed as unfaithful since they offered their bodies to different men. However, it was not uncommon for ordinary men and prophets to seek sexual pleasure from them. Prominent biblical figures who had sexual encounters with prostitutes include Samson ("one day Samson went to Gaza, where he saw a prostitute. He went in to spend the night with her." Judges 16 verse 1), Joshua (Joshua 6 verse 17-27) and Judah (Genesis 38 verse 15-19). Some biblical accounts construct a prostitute as a woman of weak morals, who deserves to be put to death. An example is the prostitute who was brought by the Pharisees and teachers of the law to Jesus (John 8 verse 1-11). However, as indicated in the books of Joshua (Chapter 2) and Judges (Chapter 16), they are presented as useful and as offering refuge to the 'foreigners.'

The Islamic religion also forbids prostitution. However, in Iran there is a practice known as *sighe*, which by its nature could be seen as encouraging sex trade. Parties involved approach a Mullah who is responsible for approving 'short-term' marriage contracts. This practice is common in Iran and among other Shiite communities and is used by men and women for sexual adventures (Terfa, 2011).

The growth of the commercial sex industry in Nigeria is attributed to her growing urban population and strong economy (the second largest economy in Africa according to Rossouw, 2016). The impact of economic changes and consequent shifts in the ways of life mirrors itself in a society that begins to challenge normative attitudes toward sexuality and sexual

expression (Popoola, 2013; Terfa, 2011). Nigeria is a religious and a traditional country (Ojua, Ishor & Ndom, 2013) and therefore one could expect that a large proportion of her population would have conservative views on sexuality, womanhood and cultural practices such as girls marrying at a young age and the importance of values such as respect, decency and discipline (Izugbara, 2004). With prostitution becoming prevalent, particularly in larger cities, such as Lagos, Abuja, Kano and Benin, girls marry much later in life and some engage in teenage prostitution (Terfa, 2011).

As in other countries, the industrial revolution saw the rise and increasing visibility of prostitution in Nigeria. The booming property market was boosted by prostitutes and brothel owners through renting (Terfa, 2011) and more women became 'attracted' to the rapidly growing sex industry because it offered them better wages in comparison to their domestic labour (Terfa, 2011). The internal migration from rural to urban areas (especially by males) also impacted on the increase in the sex trade (Terfa, 2011).

#### **2.4.2. Prostitution in Ghana**

According to Meshelemiah (2011, p. 31) the most dominant types of sex workers in Ghana are "roamers" and "seaters". The roamers, according to Meshemiah, are younger and often educated street-walkers, usually between the ages of 20 and 29 years. They are in the sex industry on a short-term basis. Some roamers use escort agencies to advertise their sexual services. "Seaters", on the other hand, are older sex workers, usually between the ages of 35 and 45 years and are in the sex industry on a permanent basis. They ply their trade in their homes or in brothels.

As with many other countries in Africa, the victim discourse is dominant in writings about prostitution in Ghana, with poverty cited as one of the main reasons younger women enter into prostitution (Meshelemiah, 2011). It is estimated that, on average, a sex worker in Ghana could make \$40 per night in comparison to the average full time Ghanaian service worker who earns \$60 per month (Meshelemiah, 2011). Again, evident in this comparison is the 'lucrative' nature of sex work in comparison to many other forms of labour.

Meshelemiah (2011) makes a distinction between "downtrodden street walkers" (p. 32) and the highly-paid escort workers that are usually portrayed in the media. She points out that although some street prostitutes are good-looking, well-groomed and in high heels, they are not necessarily well-off.

In a Black country such as Ghana, prostitution is inter alia constructed along racial lines and physical appearance. There is a perception among some Ghanaians that if a woman is seen with a White male counterpart and her clothing is ‘suspect’ that she could be a prostitute - purely because interracial relationships are a rarity (Meshelemiah, 2011).

Meshelemiah’s (2011) observation that prostitution in Ghana is mostly perpetuated by Westerners, “high-level politicians or foreign African dignitaries” (p. 35) could be based on the notion that public displays of affection in Ghana is frowned upon, and therefore locals approach sex workers mostly at night where they cannot be seen and judged.

The foreigner-local binary is frequently subsumed under the victimhood discourse, with Westerners and other foreign nationals blamed for taking advantage of “impoverished women in developing countries such as Ghana” (Meshelemiah, 2011, p. 36). This positions local women as helpless victims who can be easily lured into selling their bodies for money. Contradictorily, prostitutes are also positioned as having a choice (or agency) in who to flirt with. According to Meshelemiah (2011):

“They overlook all attractive Ghanaian men approaching the restaurant. They seem to only have eyes for and interest in Westerners only.” (p. 34)

Of course, prostitutes’ “free choice” among clients is constrained by economics (the fact that they are conscious of greater financial return if they focus on foreigners) and culture (locals are less likely to openly engage with prostitutes).

#### **2.4.3. Prostitution in Kenya**

Kenya, which is located on the eastern region of Africa has more than 40 ethnic groups among its population (Njue, Rombo & Abuya, 2011). Some of these diverse ethnic groups prioritise traditional practices that regulate norms of sexuality which are in many ways gendered (Kioli, Were & Onkware, 2012; Njue et al., 2011). Colonial Nairobi (the capital city of Kenya), unlike colonial Johannesburg for example, did not have an industrial base. The economy of Nairobi depended on the agricultural sector, which did not require any permanent force and which was based in the countryside (White, 1990). In the absence of formal employment opportunities, some women became prostitutes, which paid enough for these women to buy their own properties, and this was partly due to the absence of pimps therefore prostitutes were able to retain their earnings (White, 1990). Since then, prostitution has become part of the economic sector in Nairobi but it is worth noting that the introduction

of the Contagious Diseases Act by Britain seems to have contributed to the decrease in financial gains for prostitutes as strict measures were enforced by the law enforcement agencies. However, strict measures and the fact that prostitution is illegal did not prevent women from selling sex.

In recent times, Kenya is reportedly experiencing financial difficulties (Masese & Muia, 2016; Wolde-Rufael, 2009) which is cited as one of the reasons some women become prostitutes (e.g., Johnson, Johnson, Magati & Walker, 2017; Wanjohi, 2003).

The dominant discourse on prostitution in Kenya (at least according to Njue et al., 2011) concerns the sexual exploitation of girls. This could be traced to traditional practices that are patriarchal, which give men more freedom to engage in sexual activities while women are restricted (Juma, Askew, Alaii, Bartholomew & van der Borne, 2014). As with many traditional societies, pregnancy out of wedlock is still viewed as a taboo and girls who fall pregnant out of wedlock are chastised (Njue et al., 2011).

Child sexual exploitation in Kenya is attributed to early marriages, poverty and tourism (Njue et al., 2011). What this translates to is that younger girls are ‘forced’ into early marriages by family members or relatives, sometimes with a much older man, in exchange for money. Poverty and early marriage are intertwined, as a poor family could ‘sell’ their daughter to an older man who pays a ‘bridal price’. In some contexts, this could be interpreted as trafficking and could land parents in jail. However, due to the practice being entrenched as a way of life in most pastoral communities, it becomes ‘socially acceptable’.

Tourism is also cited as one of the main drivers of prostitution in Kenya. Studies by Wanjohi, (2003, 2005) found a positive correlation between tourism and sex trade. Due to economic hardships, some Kenyans are reported to have come up with ways of making money, including selling sex. As indicated elsewhere, tourists are perceived to be ‘well-off’ and that the possibility of greater financial return would be higher in comparison to locals. The above studies conclude that prostitution is a repository of hidden unemployment and that it contributes to the local economy.

The HIV rate is reportedly high among sex workers in Kenya (see studies by Akelo, 2007; Odek, Githuka, Avery, Njoroge, Kasonde, Gorgens, Kimani, Gelmon, Gakii, Isac, Faran, Musyoki, Maina, Blanchard & Moses, 2014; Omollo, Boily-Larouche, Lajoie, Kimani, Cheruiyot, Kimani, Oyugi and Fowke, 2016;). Young girls are perceived to be at a greater

risk of HIV because they are driven into prostitution by poverty and they are targets of tourists who lure them into selling sex (Njue et al., 2011). Despite reported exploitation of young girls at macro and micro levels, there are no strict measures in place to prevent or to at least protect young girls from such. Young girls are positioned as helpless victims of a patriarchal society but there seems to be a conflation of prostitution with sexual exploitation. These studies inadvertently clump together sex workers as non-agentic, victims who are voiceless. The individual and collective agency is non-existent. The resistance of many women and prostitutes is not elucidated on and consequently those who sell sex are pushed to the margins and become constructed as victims.

#### **2.4.4. Prostitution in Ethiopia**

It is said that in earlier times, prostitution in Ethiopia was common in the royal camp or moving capital (Pankhurst, 1974), and by the 1830s, it had become an integral part of social life. In the words of a French visitor to the country, “*female courtesans of the city displayed distinction and elegance of manners, and were not despised in the capital of Abyssinia as those in our countries of Europe*” (Pankhurst, 1974, p. 160). The royal camp, or moving capital as it was known, was an establishment which moved around the country at the ruler’s wish and was composed of tents. Among the movers were prostitutes who were an integral part of the camp. It is interesting to note that they were said to be rich and well dressed. The victim discourse more often than not constructs prostitutes as dirty, sick drug addicts who are the victims of their circumstance and selling their bodies as the only way out of poverty (Alobo & Ndifon, 2014; Balfour & Allen, 2014; Bhunu & Mushayabasa, 2014; Brody, Chhoun, Tuot, Pal, Chhim, & Yi, 2016; Cavalieri, 2011). However, evidence from medieval Ethiopia shows that at least some early prostitutes were not driven by poverty into prostitution (Pankhurst, 1974).

Pankhurst (1974) notes that European travellers, who had taken a keen interest in Ethiopia, used a variety of terms to refer to prostitutes to accommodate the fact that these women did not fit the European stereotype of prostitutes as morally and financially abject. Among the terms used were ‘dancing girl’ (amarit) and ‘woman of easy virtue’ (galamota).

In present-day Ethiopia, prostitution talk centres on the victim discourse. Commercial sex workers who are children (Lalor, 2000) are said to often come from ‘broken families’, with divorce and family conflict reigning supreme (Genemo & Tito, 2015). Prostitution is also presented as leading to dire consequences such as HIV/AIDS (Genemo & Tito, 2015; Van



Blerk, 2007). The typical image of the prostitute that emerges from texts on sex work in Ethiopia is that of a young girl who does not even know where her next meal will come from and as a consequence ‘decides’ to sell her body. It is unclear to what extent young Ethiopian women from impoverished backgrounds actually experience a sense of helplessness, of being pressured into prostitution, and of believing that they have no option of getting out of poverty other than prostitution. However, it does seem to be the case that child sexual exploitation is a serious problem in Ethiopia and that it is sometimes presented as part of the ‘tradition’ (Genemo & Tito, 2015; Lalor, 2000; Wondie & Abdi, 2008). This tradition involves early marriage, and children being sold by their family members (including their parents) for a fee to older males. As a result, young girls sometimes become exposed to early sexual encounters in exploitative relationships. Interestingly, this practice being wrapped in talk about ‘tradition’ is one of the examples where prostitution (in this case often forced) is an acceptable societal norm that remains unchallenged because it is protected by a ‘powerful institution’.

#### **2.4.5. Prostitution in Morocco**

Prostitution is illegal in Morocco under the Islamic Criminal Code, popularly known as Shariah (Roudi- Fahimi, Ashford & Khalil, 2008). Morocco is a deeply religious country, with about 95% of her inhabitants Sunni Muslim (Frost, 2011). In the Islamic religion adultery, fornication and by extension prostitution is forbidden (Terfa, 2011). However, in Morocco, there seems to be some tolerance for prostitution, at least according to Dialmy (2005), who indicates that prostitution may be allowed only when there is financial need. This statement could imply that as long as someone cites financial problems, one is ‘allowed’ to sell sex. On the other hand, it does mean that ideally authorities would want to see sex work as transitory instead of a permanent occupation (Frost, 2011). In Morocco, women’s roles and identity are constructed around their sexual behaviour. For example, a woman must be ‘pure’ and carry herself with ‘dignity’. In addition to her dignity, she also carries and represents Arab culture and identity (Dialmy, 2005). Veiling with headscarves symbolises the private domain that women must keep to, while men are told to operate in the public domain. What this means is that when Muslim women are out in public, they must create an idea of themselves as private individuals by veiling, and failing to do so is socially and legally punishable (Frost, 2011). Men on the other hand are by ‘nature’ allowed to occupy the public sphere since their roles (such as working, interacting with non- family members and maintaining family honour) are intricately linked with the outside domain.

This Islamic country is traditionally patriarchal with women relegated to homemakers and men afforded more educational opportunities and economic participation. Low literacy, unemployment, unequal economic opportunities and poverty are dominant discourses when people attempt to make sense of why women especially those from rural areas become prostitutes (Frost, 2011).

#### **2.4.6. Prostitution in Egypt**

Prostitution in modern Egypt is illegal and since she is an Islamic country, fornication and prostitution carry a heavy punishment. However, in ancient Egypt, women who had sexual relations in return for money or monetary payment were not shunned (El Saadawi, 1985); instead they were respected and thought to be sacred. It was a common occurrence for younger girls to be prostitutes until they got married off to noble families (El Saadawi, 1985). As part of the Ancient Near East (Silver, 2006), Egyptian temples were sites where prostitution occurred and priests were involved on a daily basis in the running of prostitution businesses. Families presented their beautiful daughters to priests of the Egyptian god Amoun so that they could have sex with them until they were too old to satisfy their sexual appetite (El Saadawi, 1985).

In more recent times, during the British occupation of Egypt around 1882, prostitution was legalised and tolerated (Fahmy, 2002; Reynolds, 1986) until 1951 when legislation was introduced to outlaw the practice and to ensure that any woman who was “in the habit of having relations with men for a fee was considered guilty of prostitution” (El Saadawi, 1985, p. 4). Individuals who practice adultery are sentenced to up to six months in prison, and for those found guilty of prostitution the sentence is up to three years. As in Morocco, however, ‘short term’ marriages are a commonality among locals as well as among many tourists from Arab countries. The Egyptian government has issued a decree that foreign men could pay up to \$6 380 for a short-term marriage with an Egyptian woman if he is 25 years or older than her (Middle East Eye Staff, 2015). This ‘short term’ marriage which often lasts up to a few weeks is perceived by some rights groups as promoting child exploitation and trafficking. Commentators draw parallels between such ‘short term’ marriages and prostitution because they are perceived to be used as a front to promote prostitution (Middle East Eye Staff, 2015; Terfa, 2011). Again, as with many other African and European countries, prostitution in Egypt was initially part of the way of life (El Saadawi, 1985; Fahmy, 2002; Kozma, 2012). However, with the advent of religion, particularly Islam which preaches restraint and

‘decency’, practices that do not fit with the current societal imagery of ‘good’ behaviour are punished. In this case women who practice prostitution are perceived to be a danger to the societal status quo of how a Muslim woman is required to behave (Dialmy, 2005; Terfa, 2011).

#### **2.4.7. Prostitution in Botswana**

The dominant discourse animating the prostitution debate in Botswana is its link with HIV/AIDS (Merrigan, Tafuma, Okui, Lebelonyane, Bolebantswe, Makhaola, Mine, Adhikary & Chabikuli, 2015). Mberengwa and Ntseane (2011), report that 23.9% of the adult population in Botswana is infected with HIV. The victim discourse is also prevalent in Botswana. Women are said to enter into prostitution because of circumstances such as being raised in an orphanage or a child-headed household (Mberengwa & Ntseane, 2011; Merrigan et al., 2015).

Botswana’s population is largely Christian, and marriage is one of the key values in this community (Nkomazana, 2014). Encouraging marriage is seen as one way of reducing HIV/AIDS in Botswana (Melles, 2009). The discourse of marriage as a saviour and a protective institution is, of course, problematic because some men who buy sex are married. It also perpetuates stigmatisation of prostitutes as they are perceived as immoral (Mberengwa & Ntseane, 2011) and as “vectors of diseases” (Meshelemiah, 2011, p. 40) in this case HIV.

In this part of the world, prostitution is viewed as a social ill that threatens social harmony together with alcohol abuse and unprotected sexual encounters with multiple partners (Mberengwa & Ntseane, 2011), and this in effect positions sex workers as enemies of society.

### **2.5. Prostitution in South Africa**

#### **2.5.1. The rise of harbours**

Across time and place, prostitution has served as an institution of cultural and economic exchange (Frances, 2007; Trotter, 2008a). From the Convict era to the Victorian era to the 21<sup>st</sup> century, different cultures, ethnicities, races and nationalities mingled and entangled with one another to share ideologies, sex and money. Trotter (2008a), for example, describes how South African women who were prostitutes got to know and master Japanese culture during the rise of ports in Durban and Cape Town. Since the Japanese seamen were wealthier than others, South African women had to find something unique to attract them. Knowing how to

talk, behave and what pre-sexual rituals to engage in (according to Japanese culture), put these women on a high pedestal in the eyes of Japanese seamen and ultimately led to good remittance (Trotter, 2008a).

This was also the case with fishermen from Indonesia and Aboriginal locals (Frances, 1999; Frances, 2007), and White Europeans who travelled to South Africa to extract minerals and Black South African women (Elphick & Shell, 1979; Laite, 2009). This created some form of a power hierarchy and was a fertile ground for exploitation. ‘Foreigners’ came from urbanised places and had specialised skills to make more money in comparison to the locals and therefore they could engage in sexual activities with the local women who were happy to oblige (Frances, 1999; Trotter, 2008b). The derision of some South Africans who are appalled at their counterparts, particularly Nigerians, is problematic as seen on social media and in diplomatic circles (Amusan & van Wyk, 2011; Khumalo, 2014; Umezurike & Lucky, 2015).

In South Africa large-scale prostitution is associated with the rise of port cities such as Cape Town and Durban. Dockside prostitution has nevertheless received relatively little attention in South African prostitution research, barring the work of Fairbanks (2013) and Trotter (2008a, 2008b, 2009) who traces dockside prostitution as dating back from the 1650s with the arrival of the Dutch seamen who “established a permanent settlement at the Cape of Good Hope” (Trotter, 2008b, p. 673). Dockside prostitution is tied in with the dark history of exploitation of female slaves. When the Dutch landed in the Cape, women from different sectors of society were drawn into sexual relations with seamen (Trotter, 2008b). Khoi women who worked in the city as servants or who did menial labour supplemented their meagre income by means of transactional sex with sailors.

However, a large number of female slaves from neighbouring countries such as Angola, Mozambique, Mauritius and Madagascar, and as far as Indonesia, were ‘forced’ into prostitution (Trotter, 2008b). The modus operandi of forcing slaves into prostitution is similar to that used in imperial Rome where women were considered to be the property of an authoritative male, in most cases the woman’s father or husband (Fenton, 20006). In the formative years of dockside prostitution, female slaves were owned by the Dutch East India Company who ran the Company Slave Lodge (Trotter 2008b), which functioned as brothel. The use of females as sexual slaves is perhaps the most clear-cut possible manifestation of

“prostitution as victimhood”, with women as legally and physically powerless victims of their exploitative male masters.

At the same time, however, dockside prostitution was also constructed as a much less grim enterprise. It was seen as a “casual profession” (Trotter, 2008b, p. 677) and as forming part of broader social interactions which included among others, dancing and drinking (Trotter, 2008b). Dockside sexual transactions between local women and seamen (Trotter 2008a) involved more than a simple financial/sexual exchange between two parties. It was also a liminal space where cultures and sexual ideas were exchanged. These exchanges also had a permanent impact on the demographics of modern South Africa: Trotter (2008b) and Fairblank (2013) estimate that between 70% and 90% of 60 prostitutes who worked full time or part time in Cape Town had a child fathered by a foreign sailor.

### **2.5.2. The discovery of diamonds and gold**

The discovery of diamonds in Kimberly during the 1870s strengthened the sex trade in the ports which grew busier to accommodate the influx of people and goods from Europe (Trotter, 2008b). People started migrating to the region to look for employment and the sex trade in and around Kimberley also blossomed (Trotter, 2008b). This period was dominated by the discourse of prostitution as labour (Trotter, 2008b).

Prostitution has been linked with industrialization and capitalism therefore it is unsurprising that as mining industry and mining communities developed, prostitution also flourished (Laite, 2009). Prostitution has been characterised differently by historians. According to Laite (2009), mining prostitution historians identified three main characterization of prostitution in the mining regions. Firstly, prostitution is seen as a strategy for resistance by commercial sex workers who used prostitution to make money and gain access to mining regions. Secondly, prostitution is seen as an activity that played a central role in the reproduction of male labour. Finally, employers view prostitution as neither the strategy of resistance or a leisure activity but an unwelcome by-product of economic boom and economic decline. It is not surprising that the employers saw prostitution as a threat to the productivity and discipline of workers. Few themes become prominent in the analysis of prostitution. It was tolerated, controlled and then repressed. Why was this the case? First, the authorities had to do something with ‘instant cities’. They had to control economic boom, corporate control and economic downturn. Basically prostitution was seen as a way for women to make money, as a way to encourage male labour, as a social problem and as a corporate concern (Laite, 2009). Women were not

allowed anywhere near the gold field, hence prostitution in this context is seen as a strategy for resistance. In the late 19<sup>th</sup> and early 20<sup>th</sup> century, women in Witwatersrand were barred from even performing traditionally female jobs such as cleaning and cooking on the mine sites because of fears about sexual and social consequences of having women around (Harries, 1990). There was a fear that they would ‘awaken the sleeping beast.’

Harries (1990) notes that in the late 1890s, as stricter measures against prostitution became unbearable, many prostitutes migrated from the Cape and other Europeans ghettos to the Witwatersrand where they already had an established market (i.e. miners) ready for them.

The women who sold sex in the mining regions had fluid labour and social identities that demonstrated the intricacies of prostitution in these regions. The sexual labour was blended with domestic services (or labour). In addition to selling sex, these women also brewed beer, ran informal canteens and dance halls which catered for miners (Laite, 2009).

The Immorality Act 23 of 1957, which was introduced by the National Party attempted to curb prostitution by outlawing the sale of sex (Union of South Africa, 1957; Trotter, 2008b) and in effect re-introduced the discourse of prostitution as immoral. Laite (2009) argues that a simplistic view of the relationship between prostitution and mining is problematic as it does not appreciate the intricacies of class, labour, sex, supply and demand embedded in mining-prostitution history. It is imperative to interrogate the intersectionality of race and ethnicity in a South African mining context since she has a well-documented history of the migrant labour system, particularly internal migration (Fauvelle-Aymar, 2014, Lehohla, 2006, Kok & Collingson, 2006).

## **2.6. Prostitution in present-day South Africa**

Prostitution remains illegal in South Africa. However, the legal situation around prostitution is not as clear-cut as it seems. For example, the constitutionality of clauses in the Sexual Offences that criminalise prostitution has been successfully challenged in the High Court, although that was later overturned in a Constitutional Court judgement (see Ngcobo in Jordan, Broodryk and Jacobs versus the state, 2002). Moreover, if one closely inspects what sex work entails, one is confronted with diverse activities some of which (such as penetrative sex for payment) are more obviously illegal than others (such as cuddling and kissing for payment). Sex work, as most advocates and sex worker organisations (Chateauvert, 2013) postulate, includes activities that are not only limited to sex, such a stripping, lap dancing,

erotic massages, and erotic phone conversations, to mention but a few (Balfour & Allen, 2014). These activities are not illegal in South Africa. However, selling 'sex' is illegal. The debate continues as to why some activities in the sex industry are legal while others are not.

### **2.6.1. The constitution**

The South African constitution is often held up as one of the most liberal in the world (Deveaux, 2003; Michelman, 2003; Philp, 2012). However, despite all the talk and glorification of the South African constitution, sex workers are marginalised by the constitution. The constitution is often cited as progressive in terms of sexual rights (it, for example, explicitly protects the right to same-sex interactions), but it is silent on one of the most common forms of sexual expression, namely transactional sex, i.e., sex work. The constitution also guarantees the right to work, but is silent on the issue of whether sex work can be legitimately constructed as 'work' (and should therefore be legal). Thus, despite our liberal constitution, sex workers in South Africa are not afforded the opportunity to practise their work freely.

Sex workers also experience structural violence on a daily basis at the hands of law enforcers, the public health system and society in general (Fick, 2006; Green, 2016; Koster, 2015; Rangasami, Konstant & Manoek, 2016). Law enforcers, particularly the police, take advantage of the criminalisation of sex work as sex workers are understandably reluctant to come forward to press charges when they are violated. The problem of criminalisation is evident in how the current legislation relating to sexual offences is constructed. The often vague interpretation of the Sexual Offences Act leads to further complications. According to Women's Legal Centre (WLC), law enforcers use not only the Sexual Offences Act, but also a plethora of bylaws such as those dealing with public nuisance, loitering and soliciting, to charge sex workers. Irrespective of what legislation is used to charge sex workers, they are often put into a position where they are subjected to (sexual) abuse and in some cases robbery at the hands of law enforcers.

### **2.6.2. Migration and sex work**

Post 1994 South Africa saw a surge in the number of migrants, particularly from other African countries (Ellis, 2008; Khan, 2007; Tati, 2008), which coincided with a reported rise in human trafficking (Delpont, Koen & Mackay, 2007). In addition, with South Africa's liberal constitution (Deveaux, 2003; Hammerstad, 2011; Michelman, 2003; Philp, 2012) and

porous borders (Martin, 2011), it was only a matter of time before she gave refuge to more asylum seekers from other African countries who had left their countries as a result of war and political instability (Kalitanyi & Visser, 2010; Kok & Collinson, 2006; Oliveira & Vearey, 2015; Ratha & Shaw, 2007; Solomon, 1996). The dominant trafficking discourse paints a picture of migrant sex workers as victims of human trafficking who were forcibly moved from their countries to South Africa (as elucidated by Flak, 2011; Gould, 2010; Huncke, 2016; Oliveira, 2011; Vearey, Oliveira, Madzimure & Ntini, 2011). The idea that some migrant sex workers are forced into prostitution tends to become generalised into a perception that all migrant sex workers have been trafficked (Walker & Oliveira, 2015). This conflation also tends to draw attention away from the fact that not only migrant sex workers, but also South African sex workers, are frequently marginalised and victimised (Richter, 2013; Scorgie, Vasey, Harper, Richter, Nare, Maseko & Chersich, 2013).

It is nevertheless true that migrant sex workers are subjected to a hostile environment in a foreign country, in this case South Africa (Oliveira & Vearey, 2015; Richter, Chersich, Vearey, Sartorius, Temmerman & Luchters, 2014). Migrant sex workers can be seen as ‘doubly vulnerable’ as the legislation relating to sex work restricts their participation in transactional sexual services and in addition immigration policies often create difficulties for migrants (Oliveira & Vearey, 2015; Richter et al., 2014; Schuler, 2013). As migrants (and sex workers), they have limited access to health care services and this has public health implications as they are at greater risk of HIV and Sexually Transmitted Infections (STIs). It is, for example, challenging to navigate the healthcare system and get access to safe methods of terminating pregnancy if one is a migrant sex worker.

The close discursive association between migration, sex work and human trafficking (Busza, 2004; Gould, 2010) could be argued to have the effect of drowning out other potentially constructive ways of talking about migration and sex work. For example, acknowledging that migration is often associated with looking for a better livelihood could promote frank talk on how selling sex is a form of work, and the structural violence that migrant sex workers experience, which in turn has health implications.

Even among sex workers who are South African citizens, not all are ‘natives of the city’ (Walkowitz, 1980a), but some are migrants from the countryside. In the latter case, the rise of industrialisation attracted younger people to urban areas. The expansion of Durban and Cape Town harbour and the discovery of gold and diamonds on the Witwatersrand attracted the



migration of younger people to these urban areas (Trotter, 2008a; Gould & Fick, 2008). It is unsurprising that the demand for transactional sex grew in proportion to the population, especially of single men. Younger women, attracted to urban cities with a promise of employment, soon discovered that men were preferred because most tasks required physical activity. Lack of employment opportunities, coupled with the demand for sex, drove many younger women to selling sex for financial reward.

## **2.7. Sex workers' resistance and unification**

One of the key, although lesser-known, characteristics of prostitution in present-day South Africa is that sex workers have begun to rally together and are starting to exert their collective agency through mutual support and activism. In doing this, they have joined an international trend involving collective action by and on behalf of sex workers, and in this section, I will discuss this international background as well as the specifics of how it manifests locally.

Being subjugated for centuries takes its toll on human beings with journeys filled with oppression and marginalisation (Gamson & Moon, 2004; Nelson & Prillettensky, 2010). This is also the case with sex workers. For centuries, sex workers have been subjected to ridicule, stigmatisation and abuse, and have been pushed to the periphery (Chateauvert, 2013; Frances, 1999; Frances, 2007; Jeffreys, 2008a; Walkowitz, 1980a). Arguably adding insult to injury, academics and researchers have constructed prostitutes as psychologically impaired and deviant (Anwar & Safdar, 2014; Glover, 1945; Weitzer, 2009) or even, in some extreme cases, as morally bankrupt (Alobo & Ndifon, 2014; Epprecht, 2009; Tyoanande & Samson, 2014). As detailed in the next chapter, even traditional feminists, with their constructions of prostitutes as victims of a patriarchal society and as voiceless subjects, could be seen as having participated in this (perhaps inadvertent) abasement of sex workers.

One way in which sex workers themselves have responded to this, has been to organise, and in some cases even to formally unionise (Chateauvert, 2013; Hardy, 2010; Jackson, 2016). Below I describe how this has played out on the international stage and in South Africa.

### **2.7.1. The globalisation of the sex work movement**

For years, the lives of sex workers have intrigued the general public and academics. Researchers cannot get enough of them. Theorists try to make sense of them. However, most people have very limited direct knowledge of sex work. Even clients are for the most part

unaware of, and uninterested in, what transpires before and after the hour or so they spend in intimate interaction with a sex worker. Women often see them as a nuisance, home-wreckers and whores (Carter, Harry, Jeune & Nicholson, 1997; Mberengwa & Ntseane, 2011; Walkowitz, 1980a), in most cases without having directly met with any sex workers. Thus, few people have much experience of the actual lives of prostitutes, but most people have had some sort of an encounter and the *idea* of prostitution (Chateauvert, 2013; Frances, 1999; Jeffreys, 2008b; Kingston, 2014; O'Neill, 2001). In this process sex workers come to be labelled with many derogatory names such as whores, fallen women, bitches and “vectors of the virus” (Lopez-Embury & Sanders, 2009, p. 97; Shah, 2011).

The social imagery of sex workers as dirty, drug addicts and as victims of childhood trauma has perpetuated a negative stereotype that they are morally bankrupt (Lentz & Stitt, 1996; Shannon, Bright, Allinott, Alexson, Gibson & Tyndall, 2007; Tran, Detels, Long, Lan, 2005; Tyoanande & Samson, 2014; Wilson, Chiroro, Lavelle & Mutero, 1989). Consequently, as individuals and as a collective, sex workers have been marginalised (Bungay, 2013; Lazarus, Deering, Nabess, Gibson, Tyndall & Shannon, 2012).

Sex worker collectivism and resistance to social exclusion, discrimination and unfair labour practices dates back as far as the 1700s (Lopez-Embury & Sanders, 2009).

However, in modern times the process of sex workers ‘finding their voice’ and engaging in organised resistance was fuelled by the rise of radical feminism of the 1960s and 1970s, which advocated for ‘sex for pleasure’, (re)constructing the idea that sex is not only for reproductive purposes, but is also purely for enjoyment (Lopez-Embury & Sanders, 2009). The establishment of organisations such as Call Off Your Old Tired Ethics (COYOTE) strengthened the call for revisiting how traditional feminine roles were constructed (Lentz & Stitt, 1996). Margo St. James is credited with the establishment of COYOTE (Chateauvert, 2013; Lopez-Embury & Sanders, 2009) which supports decriminalisation of sex work (and sex workers) and views sex work as a legitimate choice of employment. As the name suggests, this movement rejected the dominant social mores of the time which demonised prostitution (especially female prostitutes) and aimed to speak out for the rights of women in the sex industry (Chateauvert, 2013; Lopez-Embury & Sanders, 2009).

COYOTE managed to fight against the law in San Francisco, United States, which forced prostitutes who were arrested to be quarantined while waiting for their gonorrhoea results (Weitzer, 1991). This unfair treatment of sex workers was also prevalent in the Victorian era

(Jarvinen, 1993; Walkowitz, 1980a) and during the Convict era [through CDA] whereby those suspected of prostitution were 'hospitalised' for a specific period so that they would not contaminate others (Frances, 2007; Walkowitz, 1980a). This double-standard is similar to the CDA era where only prostitutes (their clients being exempted from such) were forced to screen for venereal diseases and were arrested up to nine months in lock hospitals (Walkowitz, 1980a). This treatment created the idea that prostitutes are vectors of diseases (Lopez-Embury & Sanders, 2009; Walkowitz, 1980a).

COYOTE not only managed to bring about improvement in the legislative environment within which prostitutes operated, but perhaps more importantly its legacy can be seen in attempts to deconstruct the idea of prostitutes as mere victims of male domination and aggression (Lopez-Embury & Sanders, 2009). This was an historical turning point in the history of prostitution - the general public, academics, researchers, and law enforcers were taken aback and shocked that prostitutes have a voice and that they can talk for themselves (Chateauvert, 2013; Vijayakumar, Chacko & Panchanadeswaran, 2015a). What emerged from the movement was a class of prostitutes who had a voice and who had agency over their lives and in their sexual matters (Fassi, 2014).

The establishment of COYOTE encouraged wide-scale resistance from sex workers across America with organisations such as Prostitutes of New York (PONY), Hooking is Real Employment (HIRE), and the Prostitution Education Project (PEP) (Lopez-Embury & Sanders, 2009) getting together and focusing on issues that affect sex workers. The principle of resistance and the formation of sex worker organisations spread to other countries such as France (with the formation of the French Collective of Prostitutes), the UK (the English Collective of Prostitutes), India (Veshya Anyay Mukti Parishad [VAMP], the Karnataka Sex Workers Union [KSWU] and the All-India Network of Sex Workers [AINSW], Guatemala, Kenya and South Africa (the Sex Worker Education and Advocacy Taskforce [SWEAT]), to mention but a few (Bassermann; McGreery, 1986, cited in Kempadoo & Doezema, 1998; Oldenburg, 1990; White, 1990). All these sex worker organisations had one thing in common: a demand to be treated with respect and for prostitution to be recognised as a form of work regulated by labour laws (Vijayakumar, Chacko & Panchanadeswaran, 2015b).

The Second World Whores Congress, which took place while the AIDS scare was at its height, became a watershed moment (Chateauvert, 2013; Vijayakumar, 2015b). The double stigma of prostitution and AIDS was responsible for the abuse of prostitutes as they were

seen as transporters of the HI virus. In some cases, prostitutes were forcibly tested for HIV/AIDS and were imprisoned if found to be HIV positive (Lopez-Embury & Sanders, 2009). In more ways than one, sex worker resistance gained momentum during and after the conference.

### **2.7.2. The local story: SWEAT and Sisonke**

Following in the footsteps of other countries such as the United States of America (Chateauvert, 2013), Australia (Frances, 2007), and the United Kingdom (O' Neill, 2001) sex workers in South Africa began to mobilise collectively in the mid-1990s. The Sex Workers Education and Advocacy Taskforce (SWEAT) created a platform for sex workers' voices to begin to become prominent in public discourse. Prior to the establishment of SWEAT, sex workers had mostly been understood through research studies, through the media and, for some, through limited personal interactions with them. SWEAT was established in 1996 with the primary aim of providing education on safer sex to sex workers (SWEAT, 2016).

During this time (the mid1990s) HIV/AIDS had become a major public health concern and had reached epidemic proportions. Therefore, the establishment of SWEAT, with its focus on educating sex workers about safer sex, was seen as very opportune. However, on closer scrutiny, their focus perpetuated the stereotype that sex workers are careless and require education on how to protect themselves and their clients from HIV. Implicitly, sex workers were positioned as transporters of HIV and this fed into the public discourse that sex workers are dangerous.

However, over the years, SWEAT grew to become a safe space for sex workers to share their experiences and to support one another, and its advocacy mission has become increasingly important. Currently SWEAT is one of the most prominent proponents of social and legal reform around sex work. SWEAT has lobbied and advocated for the decriminalisation of sex work (Gould, 2014; SWEAT, 2016) and the South African Law Reform Commission has used documented evidence and expert opinion from SWEAT to compile its report on adult prostitution in South Africa. Despite these attempts at collective activism and agency, however, sex workers continue to be subjected to abuse by the criminal justice system, the health care system and, in some instances, by the general public (Fick, 2006; Gould & Fick, 2008; Richter, 2013).

SWEAT gave birth, in 2003, to Sisonke (meaning “we are together”), which consists entirely of sex workers and which “wants to unite sex workers across South Africa to stand up for ourselves” (SWEAT, 2016). Sisonke has a specific focus on documenting the narratives of sex workers, especially relating to abuse and exploitation by clients and law enforcement agencies (SWEAT, 2016). Sisonke is a member of the African Sex Workers Alliance (ASWA), which was formed in 2009 and unites sex worker groups from across Africa, including (in Southern Africa) groups from South Africa, Zimbabwe, Botswana and Malawi (ASWA, 2018).

The rise of sex worker driven organisations internationally and in South Africa has started to change the dynamics of public and academic discourse on sex work in that it has introduced elements of on-the-ground authenticity and of collective agency. However, as Foucault (1966) cautioned, institutions are produced and governed through discourses, with rules and procedures, hierarchies and ways of behaviour that feed into their sustainability (Danaher, Schirato & Webb, 2000), and therefore inevitably SWEAT and similar organisations constrain what is possible to say and do in relation to sex work as much as they may enable new discursive possibilities. The undoubted authenticity of sex worker voices that become audible through the mediation of organisations such as SWEAT, should also be balanced against the fact that sex workers are as much prone to being caught in discursive dichotomies (such as agency versus victimhood) as other members of society are.

## **2.8. Conclusion**

In this chapter I presented a brief overview of some key moments in the history of prostitution, starting with the Convict era in colonial Australia and ending with present-day South Africa. The purpose of this overview was not to construct a comprehensive and seamless history of prostitution (in order to understand its ‘true origins’) but rather, as it were, to retrieve a few ‘snapshots’ from the cardboard box of history. As is always the case with historical representations, it is difficult to disentangle the actors being framed from the act of framing - i.e., to decide whether to consume representations in the mode of history or of historiography.

Although based on ‘secondary sources’, the varied historical images of prostitutes that emerge from this overview probably do represent something of the actuality of what it was like to be a prostitute in, for example, Victorian London or late 19th Century Johannesburg. More importantly, however, I tried to disinter something of the discursive climate within

which prostitution flourished at different times. How people write and talk about prostitution matters, and it is possible to see how, over the centuries, different discursive regimes shaped the reality of prostitution: discourses of secrecy, disease discourses, victim discourses, discourses of economic agency.

It is clear, even from these brief glimpses of prostitution across history, that prostitution is not a single, immutable object that naturally evolves into its present form, but is always bound to specific times and places. Nevertheless, navigating through history, one is confronted by certain recurring themes: prostitutes intimately involved in the lives of respectable (male) citizens, but nevertheless treated as outcasts; prostitutes who are secretly close to the centre of family life, but pushed to the periphery of society; prostitutes who are subjected to endless legal strictures based on discourses about morality, gender, race and class. In parallel with and in contrast to this, prostitutes also emerge, again and again, as economic agents whose entry into and exit from prostitution is voluntary and gradual.

It is impossible to construct any sort of history of prostitution without being confronted by a potent cocktail of discourses about moralisation, criminalisation and victimisation of sex workers and the idea of its posing a threat to respectable heterosexual sexual activity. Those who dare transgress moral codes and who threaten the social fabric are shifted to the margins and victimised through policing, detention and labelling. Social stigma, exclusion, violence and abuse run across time and space. However, it is also impossible to approach the history of prostitution without being confronted by formulations that position prostitutes as free agents and that are deployed, rightly or wrongly, to counter perceptions of them as coerced, degraded and debased.

## **CHAPTER THREE**

### **THE IDEA OF PROSTITUTION**

#### **3.1. Introduction**

In the previous chapter I traced historical accounts of prostitution across different times and spaces. The chapter considered the historical literature on prostitution and attempted to show how the history of prostitution is constructed in particular ways in contemporary historical writings, *and* how prostitution may (actually) have been constructed in the past.

In this chapter I engage in an initial exploration of the current discursive landscape around prostitution. I unpack ways in which the idea of prostitution is constructed via institutions and practices, and in both formal, academic texts, and informal talk about sex, sexuality, and social mores. I firstly ‘map’ the prostitution industry in terms of key players and institutions and review a set of common truths (or myths) that circulate in this industry. I then discuss four formal theoretical approaches to prostitution (the functionalist perspective, the criminological and legal perspective, the social constructionist perspective and the feminist perspective, which is explored in more detail in the next chapter). I review formal and informal ways of socially managing prostitution that have arisen from, and in response to, this constellation of players, institutions and ideas. My focus is mainly on the South African situation, but taking into account how it fits into the international context, particularly in relation to the complex of theoretical ideas that have, to a large extent, been ‘imported’ from international sources. Finally, I propose some strategies that might provide ways out of the discursive impasse that much of the current talk and writing about prostitution appears currently to be stuck in.

#### **3.2. Mapping prostitution in South Africa**

Mapping prostitution in South Africa is useful on a number of levels, not least in order to identify the different role players in the sex industry (and the knowledge-about-the-sex-industry) that collectively draw upon and sustain ‘prostitution discourse’.

As outlined in Chapter 1, the most straightforward definition of a sex worker or prostitute is someone who ‘sells sex for money’ (Chateauvert, 2013; Clarkson, 1939; Gould & Fick, 2008; Jeffreys, 2008b) or for other forms of material gain. Implicit in this definition is some form of commodification and exchange, which could lead to unequal power relations in the sense that

a buyer could all too easily see himself as the ‘rightful’ owner of a product (in this instance, of a prostitute).

Within this basic definition of what a prostitute is, the most commonly drawn distinction between different types of prostitutes are street-based versus brothel-based sex workers.

**Street-based sex workers** represent the form of sex work most commonly imagined in discussions of prostitution. Street-based sex workers sell sex on the streets and advertise their services by standing on the streets. They are easily identifiable and, because objectively they are probably most at risk of victimisation, more frequently than other types of sex workers emerge as subjects and objects within the victim discourse of prostitution. In South Africa, they are usually Black, relatively young, come from a ‘poor’ background, and have lower level of education (Gould & Fick, 2008). This is in contrast to **brothel-based sex workers** who are often white, middle class, have some level of education and are typically older than street based sex workers (Gould & Fick, 2008).

**Independent sex workers** (who are not linked to a brothel but also do not look for work on the street) are also mostly white; they have higher level of education in comparison to street-based and brothel-based sex workers; and are the most private of all types of sex workers (Gould & Fick, 2008). They often ply their trade from the comfort of their homes. They usually advertise their services on the internet. In terms of the agency/victimhood dichotomy, they are most likely to be presented as having taken a conscious, informed decision to sell sex.

Compared to sex workers, the other class of essential role players in the sex work field, namely **clients**, are much less clearly imagined in popular discourse and have been made the focus of far fewer research studies. These are individuals who buy sex from sex workers. It is surprising that this group is under-researched, especially taking into consideration that there would not be no sex work if there were no clients. There is no consensus among scholars with regard to the profile of people who buy sex, beyond a general agreement that clients vary (Carpenter, 2000). Clients come from all walks of life, all races and from different socio-economic backgrounds. Clients also include married individuals, single young men, differently-abled individuals and so forth.

Arguably, sex work as we now understand it also would not exist if it were not recognised as such by the public at large, or what one might term **society**. Society has always been unkind to sex workers (Chateauvert, 2013; Kingston, 2014; O’Neill, 2001; Trotter, 2008a;



Walkowitz, 1980a), with dominant popular discourses constructing sex workers as carriers of disease and immoral, in the sense that they are thought of as breaking up marriages abusing dangerous drugs (Gould & Fick, 2008; Jeffrey, 2008b; Kingston, 2014; Walkowitz, 1980a).

**Police** play a very important role in the sex industry. As custodians of the law, they are required to uphold the law, serve and protect the citizens of the country (Hook, 2007), which citizens are all too commonly imagined as not including sex workers themselves. Sex workers' anecdotes about their daily realities are often dominated by events involving law enforcers abusing sex workers physically and sexually (Fick, 2006; Gould & Fick, 2008; Gould, 2014).

Police can be seen as being aided and abetted in their victimisation of prostitutes by the wider **criminal justice system** in South Africa. Our democratic constitution, which is now more than two decades old and is often held up internationally as being exceptionally enlightened with regard to sexual rights, is often perceived as undemocratic by prostitutes and by those who advocate for their rights. In South Africa, as in many supposedly progressive countries worldwide, sex work remains criminalised (Carpenter, 2000; Gould & Fick, 2008; Jeffreys, 2008a). As criminals, sex workers are in effect not afforded equal rights and the freedoms enshrined in the South African constitution. Criminalisation of sex work can be seen as a basic human rights violation as sex workers are not allowed to exercise the fundamental principle of self-determination, freedom to choose and bodily integrity (Chateauvert, 2013).

**Religious organisations** as self-proclaimed custodians of morality, also more often than not treat sex workers harshly. In November 2015 in Middelburg, church members held a 'peaceful' march to pray and deliver sex workers from the evil hand. Unfortunately, the march turned violent as sex workers retaliated and claimed their 'space'. Another similar march was held in Umbilo against sex workers who were 'polluting' the neighbourhood by engaging in sexual acts with locals. The immorality discourse is particularly dominant among religious organisations and 'concerned' community members who suggest that sex workers break up families and spread diseases (Kingston, 2014).

An interesting coterie that is at the cutting edge of sex work is **pimps**. These are people who 'look after' sex workers in exchange for taking a cut of their earnings. In a brothel prostitution context, brothel owners effectively play the role of pimps. In many instances, sex workers 'rent' rooms from them and in return they offer 'protection' against unruly clients

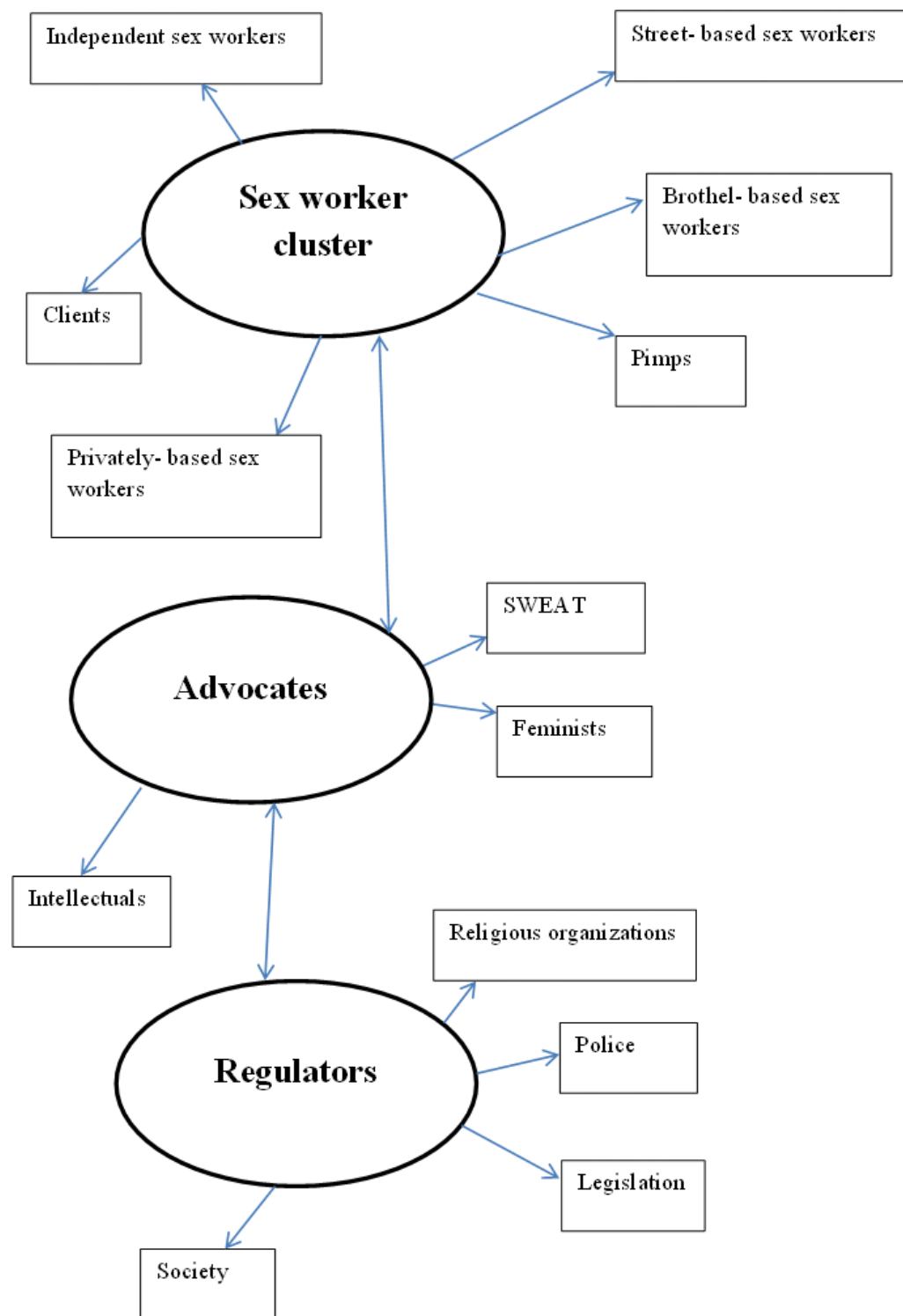
(and, sometimes, the police). Williamson and Cluse-Tolar (2002) define a pimp as “one who controls the actions and lives off the proceeds of one or more women who work the streets” (p. 1074). Inherent in this portrayal of a pimp is that he is an emotional and financial abuser who exploits vulnerable and helpless women; an individual who ‘lives off’ other people’s hard-earned profits. Pimps are often constructed as exploiting and abusing sex workers, as seen for example in a study by Gould and Fick (2008) that found that, in terms of ‘renting’, they could charge up to 60 percent of the fees paid to sex workers by clients. Pimps are typically painted as an evil cabal and as prototypes of immorality. They are imagined as either overtly keeping sex workers against their will (i.e., trafficking) or as at best exerting undue influence on them through threats of violence and coercion (Farmer & Horowitz, 2013; Williamson & Cluse-Tolar, 2002).

It is telling that, unlike sex workers themselves, most of the prominent role players in the sex-worker (discursive) industry are overwhelmingly male - clients, policemen, pastors, and pimps. However, there is also another group of role-players (besides prostitutes themselves) who are mainly female, namely **feminists**. Over the years, feminists have been divided in their views on prostitution and sex work. Traditional feminists have often constructed sex workers as victims of a patriarchal society (Jeffreys, 2008a; O’Neill, 2001), while more radical feminists factor in agency and freedom of choice on the part of sex workers who engage in the sex industry (Carpenter, 2000; Jeffreys, 2008a). The relationship between sex workers and feminists has always been rocky, with sex workers at times refusing to be spoken for by feminists (Chateauvert, 2013). Feminism, as an ideology and a movement, has been at the forefront of what is sometimes referred to as the ‘sex wars’ (Barton, 2002; Bowman, 2014; Dodge & Gilbert, 2015). In the next chapter the role feminists have played in various (discursive and other) battles fought in these wars is described in more detail.

**Non-governmental organisations** (NGOs) are also key role players in the ‘prostitution community’ as they bring a unique voice into the prostitution discourse. Funding applications, publicity materials and other texts produced by NGOs typically talk of prostitution and prostitutes as ‘a key population’ that needs to be rescued from the shackles of poverty, exploitation and abuse. However, not all NGOs draw on and feed into simplistic victim discourses. In the previous chapter, I introduced one such NGO, the **Sex Workers Education and Advocacy Taskforce** (SWEAT), which has taken prostitutes’ own constructions of their identities and the work they do much more seriously. As a point of departure, organisations such as SWEAT oppose the use of concepts such as

‘prostitute/prostitution’ because these terms are thought to be clouded by a judgmental discourse which includes seeing sex workers as immoral and socially outcast. In addition to advocating for and providing services to sex workers, SWEAT aims to empower sex workers to ‘walk tall’ in the face of discrimination and stigmatisation, and to carry themselves in a professional manner while at work (SWEAT, 2016). Central to the support provided by SWEAT is what is called “creative spaces” which assist sex workers to talk about themselves and the work (selling sex) that they do through drawing, painting, dance and singing (Mgbako, 2016). These exercises are said to have a profound effect because they assist sex workers to support each other emotionally and, importantly, to deconstruct and (re)construct what it means to be a sex worker in a country that criminalises such activities.

Figure 3.1 is a graphic representation of some of the most important stakeholders in the sex work industry in South Africa, and how they relate to each other. The first cluster shown in Figure 3.1, which consists of different types of sex workers, their pimps and their clients, can be seen as the ‘operational’ cluster where actual sex work takes place. How this cluster is understood by the ‘regulatory’ cluster can be seen as mediated by the ‘advocates’ cluster, which includes NGOs, academics, intellectuals and so forth. When viewed in this manner, the role of advocates can be seen as especially crucial – churches, lawmakers and society at large seldom consult directly with sex workers, instead taking their cue from the research findings (and discursive styles) that are perpetuated by role-players in the ‘advocates’ cluster.



### 3.3. Truths, myths and (mis)conceptions about prostitution

A while back, while in a bar, I engaged in a conversation with some guys on what their idea of a prostitute is. Their responses were unsurprising, as they were loaded with the types of discourses about and perceptions of sex workers commonly found and well documented among the general public, law enforcement agencies, legislators and in academics. They

painted sex workers as “poor victims who were forced into prostitution by their circumstances” (Anonymous 1, 2016). Another guy said: “We know that what we are doing is wrong but the sex is amazing” (Anonymous 2, 2016). These two views encapsulate perhaps the two most salient characteristics of prostitution as it exists in the public imagination - prostitutes are understood as being victims of their circumstances, and prostitution is understood as morally wrong, but this does not prevent men from engaging in sex with them.

The idea of prostitution as victimhood is not exclusive to clients or to the general public, but is also congruent with stories one hears from sex workers themselves. There is, however, a group of sex workers who see themselves as agents of their own reality. These sex workers share the view that they **choose** sex work for various reasons, among others greater financial reward in comparison to their current circumstances. This applies to different types of sex workers, from street based to private sex workers (Gould & Fick, 2008). The agency discourse does not only center on financial reward - it also includes the freedom to choose who they sell sex to and how they have sex, meaning that they exercise a certain degree of control over which types of sex to engage in with a client (i.e. whether oral, anal, vaginal, masochistic, and so forth).

As is the case with talk about victimhood versus agency, the second salient imagined characteristic of prostitution, that it is morally wrong, is also not as simple as it might at first appear. Anonymous 2 initially labelled the sexual encounter with a prostitute as ‘wrong’ and implied that the transgression was on the side of the client for not being able to resist the ‘amazing sex’. However, interestingly, on further inquiry, it became clear that in his mind it was not so much the sexual encounter itself, or the client, that was ‘wrong’, but the ‘wrongness’ should be attributed to the person with whom he had sex, namely the prostitute. Moral judgements around certain acts (such as drug-taking and questionable sexual practices) tend to generalise from the act to the actors involved, but more often than not the more dominant and powerful participants have less of the supposed immorality rub off on them. Thus those who use a moral compass to judge sexual encounters with prostitutes are more likely to label having sex with a sex worker from downtown Johannesburg (for example, Hillbrow) as wrong, while explicitly or implicitly condoning sex with a sex worker from an upmarket suburb such as Mooikloof (in the east of Pretoria). The morality discourse has over the years been tightly entangled with class and how people talk about people who are of certain class (Frances, 2007; Levine, 2003; Walkowitz, 1980a, 1980b).

Discourses of victimhood versus agency and careful verbal maneuvering around the morality of prostitution and who should be targeted for judgement tend to push their way not only into casual conversations among men in bars, but also into all manner of other texts about prostitution. One example is ‘expert talk’ about prostitution that is intended to educate the public about correct versus incorrect understandings of sex work. These types of writings no doubt contain more than a kernel of truth regarding common myths and misconceptions about prostitution and might well play a constructive role in changing perceptions of the profession. However, from a social constructionist perspective the more interesting question is not whether the myths that are identified in such texts are indeed falsehoods, but rather how they articulate with the broader discursive complex that shapes prostitution, as we now know it.

Consider, for example, an interview with Sarah Greenmore (Mirror, 2010) in which she explores some of the myths that exist about sex workers. I discuss each of the myths identified by Greenmore below.

**Sex work is easy and sex workers are lazy.** When visiting a brothel or observing sex workers on the street, one is likely to see individuals ‘hanging around’ and chatting. To most sex workers, this is one way of soliciting clients. It is not easy to attract clients to buy sex. This sentiment is shared by many sex workers (SWEAT, 2005). Seeing sex work as something done by lazy individuals perpetuates the idea that sex workers are individuals who ‘take an easy way out’ of challenging life circumstances. To imagine sex work as easy could promote the idea that sex workers get ‘easy money’ therefore their victimisation is justified because they could ‘easily’ regain the lost money through further sex work (e.g., Fick, 2006). Talk about sex workers as lazy is most often deployed as a means of deflecting images of them as helpless victims of their circumstances and thus to bolster a discourse of unfettered agency.

**Sex workers are disease-ridden and spread diseases.** Some documentaries on sex work (e.g., films by Chakarova, 2013; Ives & Adair, 2010; Katbamma, 2010; Meksin & Meksin, 2011) portray sex workers as disease-ridden, with most of them infected with HIV, a sentiment also shared by the general public. This is further perpetuated by studies that indicate a high HIV prevalence rate among sex workers (Rees, Beksinska, Dickson-Tetteh, Ballard & Htun, 2000; Sibeko, 2010; Talbott, 2007; Williams, Taljaard, Campbell, Gous, Ndhlovu, van Dam, Carael & Auvert, 2003). Many people are fearful of HIV and when beginning to imagine who could be at the forefront of spreading it, sex workers are often the

scapegoats irrespective of whether they use protective measures or not. This is refuted by many sex workers who are adamant that they always use condoms when having sex (Sibeko, 2010).

Some initiatives by the South African government and non-governmental organisations also suggest that they have already constructed sex workers as ‘transporters’ of sexually transmitted diseases and HIV (National HIV Sex Worker Plan (2016-2019), 2016; Strategic plan for HIV Prevention, Care and Treatment of Sex Workers, 2013; Zero Draft on National Strategic Plan on HIV, STI and TB [NSP 2017-2022], 2017). These initiatives could be counter-productive as they tend to construct sex workers as a ‘homogenous sick group’ that requires assistance and rescuing. Sex workers are portrayed as transporters of disease from one client to the next. Despite this perception of sex workers as the epicentre of disease, the fact remains that it is not only sex workers who present with sexually transmitted infections (STIs) and HIV. Individuals who are in ‘stable and exclusive relationships’ also present with STIs and many are also HIV positive. For these sort of interventions to be sound, fair and attractive to the target audience, ‘authorities’ could learn a thing or two from refraining from a judgmental and ‘fear-mongering’ discourse which could alienate sex workers. Imagine a response of a sex worker who is HIV negative (and who is extra cautious on preventative measures) being constantly told, albeit implicitly, that she is spreading infections and that she has not been careful enough while engaging in sex with her clients. Strathdee, Crago, Butler, Bekker & Beyrer (2014) also argue that the myths related to sex workers and HIV are not only inaccurate but they “can denigrate, devalue, and marginalise sex workers” (p. 4).

**Only creeps, losers and desperate men visit sex workers.** Research has found that there are different profiles of clients who buy sex from prostitutes (Birch, 2015; Lauren & Black, 2012; Suryawanshi, Bhatnagar, Deshpande, Zhou, Singh, & Collumbien, 2013). Clients come from a variety of different backgrounds, different races, and different socioeconomic and educational levels. Some are single and some are married (Awford, 2015; Gould & Fick, 2008), and sex workers are approached by both abled and differently-abled clients (Ives & Adar, 2010). Since prostitution is often associated with ‘othering’, it is unsurprising that the general public and authorities share the idea that clients of sex workers are also ‘not OK’. They are labelled as creeps, sex perverts, losers and desperate men who are unable to attract women in the ‘normal’ way or have abnormally high sex drives. Those who are caught buying sex are punishable by law (although it is highly unlikely that they will be convicted or spend an extended amount of time in prison). The clients of sex workers are much less

frequently spoken about, or noticed by the authorities, than sex workers themselves, but when they do become visible the discourse of prostitutes as being morally corrupt extends to envelop their clients as well.

**Sex workers hate their jobs.** This myth is at the heart of the agency/victimhood dichotomy. Talk that constructs sex workers as victims of their circumstances presents them as hating their jobs and as prisoners of circumstance. This view is also held by traditional feminists who portray sex workers as victims of a patriarchal system that exploits females (Chateauvert, 2013; Jeffreys, 2008a; Jeffreys, 2008b; Neuman, 2012). There is often a debate in the prostitution community with regard to 'hate' as a construct. Do all sex workers 'hate' their jobs because of the circumstances that compelled them to take up prostitution, because sex with a stranger is inherently and invariably unpleasant, and because they have to lie to family and friends about the nature of their occupation - or are at least some sex workers content with, and perhaps even proud of, their professional identity (Bellhouse, Crebbin, Fairley & Bilardi, 2015)? At least some (radical) sex workers insist that in some instances they do enjoy sexual encounters with clients (Mberengwa & Ntseane, 2011; Stryker, 2012).

**Sex workers are psychologically damaged, uneducated and drug addicts.** It cannot be denied that some sex workers come from broken families, have limited education and use drugs (Balfour & Allen, 2014; Bhunu & Mushayabasa, 2012; Panchanadeswaran, Johnson, Sivaram, Srikrishnan, Zelaya, Solomon, Go & Celentano, 2010; Tran, Detels, Long & Lan, 2005). However, this is not a blueprint by which to judge every sex worker. There are those, for example, who have a tertiary education (Gould & Fick, 2008) and some who only sell sex to supplement their income. Some university students sell sex to improve their financial situation (Sagar, Jones, Symons, Bowring & Roberts, 2015; Roberts, Sanders, Myers & Smith, 2010; Sagar, Jones, Symons, Tyrie & Roberts, 2016; Sanders & Hardy, 2015; Terfa, 2011). This was found to be the case in a study by Nel, Van Wyk and Mbatha (2012) who were exploring the vulnerability of sex workers. There is also ample evidence that not all sex workers are drug addicts (Ditmore, 2013). It is interesting to note that some sex workers begin using drugs only after taking up prostitution as this, according to them, helps to make the sexual encounters bearable (Young, Boyd & Hubbell, 2000). However, this is by no means universally true, with some sex workers using drugs before entering sex work and some refraining from drug use entirely (Lavin, 2017).



The everyday talk of sex workers as drug addicts, uneducated and psychologically damaged is closely tied to structural and class issues. Sex workers who operate from downtrodden and dilapidated neighbourhoods are often labelled using negative and patronising language which has the effect of pushing them further into the periphery (Bungay, 2013). By contrast, sex workers who ply their trade in upmarket and private spaces are seen as sophisticated and ‘classy’, irrespective of the fact that they are in the same profession as those who operate in poor neighbourhoods.

Listings of myths such as the above are intended to debunk false perceptions about sex work and to replace them with the actual facts about sex work. Although in certain contexts this is useful, whether these myths are false or not is perhaps less important than that they help to socially construct sex work and sex workers in particular ways and therefore to shape how people act in relation to sex work. The question is not so much what (mis)conceptions people have about sex work, but rather what effects are achieved by appealing to certain ‘truths’ about sex work rather than others, and what the features are of the larger discursive landscape that emerges from both ‘correct’ and ‘incorrect’ talk about sex work.

### **3.4. Theorising prostitution**

There are of course also attempts to arrive at an understanding of sex work that are more sophisticated than mere listings of myths. In this section, I briefly review some of the formal theoretical perspectives that have been brought to bear on the phenomenon of sex work, with a more detailed overview following in the next two chapters. One such is the functionalist view that argues that prostitution is a ‘necessary evil’ and serves a useful social function which is to provide men with sex (Davis, 1937; Jarvinen, 1993; Sanders, O’Neill & Pitcher, 2009). Other prominent theoretical perspectives that have contributed to what we know about prostitution are the social constructionist perspective and the feminist perspective.

#### **3.4.1. The functionalist idea of prostitution**

Functionalists, as they are depicted by Jarvinen (1993), argue that prostitution must be a natural and inevitable act of human society as it has existed across time and in all known societies. The functionalist perspective is based on two ideas: *sexual frustration* (of men) and *social isolation* (Jarvinen, 1993).

Functionalists argue that men are often sexually frustrated because they have greater sexual needs than women. A man who requests sex seven times a week from his wife or partner but

only gets it once will ‘naturally’ be inclined to seek ‘release’ from prostitutes to fulfil his sexual needs. Thus prostitution and prostitutes serve a useful social function. Many men are not sexually satisfied with only one female partner because “men have a natural craving for variety, for perverse gratification and for mysterious and provocative surroundings” (Jarvinen, 1993, p. 17). This type of argument is bolstered by the fact that historically polygamy has been much more common than polyandry, and to this day men are rarely ostracised for having multiple sexual partners. In Zulu culture (I use this example because I am familiar with this as a Zulu myself), such men are called “amasoka”, which has connotations of praise and an elevated social status. For a Zulu man to be called “isoka” is affirming. Women who have multiple partners, on the other hand, are stigmatised and called “isifebe”, which loosely translated means ‘whore’.

Functionalists believe that men are sexually frustrated in their ‘traditional relationships’ as their specific sexual fantasies are inadequately met within such relationships. Prostitutes provide a safe space for men to explore such fantasies. For example, a man might become frustrated because his wife prefers vaginal sex instead of anal sex, fellatio or cunnilingus. Sexual practices that go beyond the ‘missionary position’ have in all probability become more common in ‘traditional’ relationships, but there nevertheless is some empirical evidence that men do buy sex partly because of frustration with the lack of variety in their regular relationships (Joseph & Black, 2012).

Functionalists also argue that prostitution serve a useful function as it provides men who are socially isolated with sexual services. This includes men who are temporarily isolated because they work far from their partners or who are isolated due to extensive travel. In South Africa and elsewhere, for example, the migrant labour system where men had to leave their rural dwellings to search for better employment opportunities has been cited as one of the reasons for the rise of the sex industry (Terfa, 2011; Trotter, 2008a; Trotter, 2008b; Van Heyningen, 1984). Research on long-distance truck drivers also suggests that prostitution is more prevalent in this context (Mberengwa & Ntseane, 2011; Sibeko, 2010). The sexual frustration and social isolation perspectives on why men buy sex can also be applied to handicapped men or those who do not fare well in the non-commercial sex market (i.e., who struggle to get and keep sexual partners) and for whom prostitution fulfils an important social function (Ives, Adair & Siberry, 2010; Owens, 2013; Smith, 2015; Thomsen, 2015).

In ironic contrast to the normalising of male clients' behaviour that results from adopting a functionalist perspective, functionalists typically construct prostitutes as deviant, and mentally, sexually and socially abnormal (Jarvinen, 1993; Rossler, Koch, Lauber, Hass, Altwegg, Ajdacic-Gross & Landolt, 2010). Davis (1937), who was a proponent of functionalism, presented a negative psychological image of prostitutes. Drawing on Freud, he insisted that women become prostitutes because they are emotionally unstable, feeble minded, or psychopaths. Lombroso, who is considered to be the father of criminology, viewed prostitution as vagrant and deviant behaviour. He argued that prostitutes are born, not made (Sanders et al., 2009), claiming that his argument was based on empirical observations that female prostitutes have the smallest cranial capacity of all female offenders, even lower than lunatics (Lombroso & Ferrero, 2004). Other criminological scholars, such as Hoigard and Finstad (1992), base their argument on environmental factors, particularly the socio-cultural context of crime. They postulate that the more one is exposed to crime the greater the probability of engaging in sex work.

Functionalist writings also sometimes construct prostitutes as hypersexual, frigid or lesbians, although such perspectives have of course been strongly disputed in the literature (Carpenter, 2000; Jeffrey, 2008a, 2008b). Socially, many prostitutes are thought to have experienced childhood trauma, poor relationships with their parents, illness and alcohol abuse (Bhunu & Mushayabasa, 2012; Brody et al., 2016; Davis, 1937; Mberengwa & Ntseane, 2011).

With regard to the control of prostitution, functionalists are of the opinion that since prostitution serves a useful social function it should be encouraged, or at least tolerated. Functionalists postulate that the immorality argument and holier-than-thou attitude propagated by the self-appointed moral guardians of society should be thrown out the window. Eradication of prostitution is unrealistic as a public policy, and strict control will not reduce prostitution; instead, it will lead to the replacement of visible prostitution with more discreet (and possibly more risky) forms (Jarvinen, 1993; Mgbako et al., 2013).

Functionalists are of the opinion that eradication of prostitution will have direct negative consequences such as extramarital affairs and rapes, as men will be left sexually frustrated. The functionalist view is typically criticised as being problematic for two reasons: First, it views sex with a prostitute as fundamentally different from having an (extra-marital) affair. This objectifies and 'invisibilises' female sex workers as they are perceived as 'not-human enough' to have an affair with. Second, the functionalist view constructs men as uncontrollable animals who will go to any length for a 'sexual fix', even to a point of rape.

The functionalist perspective is patriarchal in that the entire argument, involving sexual frustration, sexual isolation, and sexual craving, centres on men. Women are mere objects who must always be ready for sex. Implicit in the functionalist position is that women who are in 'traditional relationships' with men are blamed for not providing sexual satisfaction to their partners and therefore prostitution (which is not seen as an actual extra-marital affair) is justified.

The functionalist view is also seen as problematic as it takes away the intricacies and eroticism of a sexual encounter between two consenting adults. Some commentators argue that sex workers do not experience encounters with clients as erotic (Jeffreys, 2008a, 2008b); however, there is evidence that some sex workers do indeed enjoy some of the sexual encounters they have with clients (Mberengwa & Ntseane, 2011; Savitz & Rosen, 1998; Trotter, 2008a).

However, in as much as there are major, obvious problems inherent in this perspective, the functionalists were the first wave of researchers who were in favour of decriminalisation and opposed to the abolitionist approach to sex work. They suggested that social control should not be directed at prostitutes, but rather to the 'social disturbances' associated with prostitution, such as alcohol abuse, human trafficking, criminality and public disorder (Jarvinen, 1993).

### **3.4.2. Social constructionist idea of prostitution**

Functionalists are concerned with the structural and individual causes of prostitution and with elucidating the psycho-social consequences of prostitution. The social constructionist approach also attempts to interrogate the social structures within which prostitution arises, but is concerned with discursive rather than 'real' structures.

From the perspective of social constructionism, the analysis of prostitution should be understood in terms of four premises: Relativity, the significance of social control, the significance of classification, and prostitution as a profession (Jarvinen, 1993; Selfe & Burke, 2001).

**Prostitution is relative**, in that it is a socially constructed concept with variable meanings and that are dependent on specific time periods and societies (Jarvinen, 1993; Selfe & Burke, 2001). What is considered prostitution in South Africa in 2017 is different from what was

considered prostitution in Britain in the early 1900s (Wojcicki, 2002) and as a consequence the actual phenomenon of prostitution plays out differently across the two contexts.

The social constructionist perspective sees prostitution as, paradoxically, partly produced by the particular mechanisms that are put in place to **control** it. The interaction between the subject of control (authorities, legislators, police and so on) and the object (prostitutes) is central (Desyllas, 2013; Pateman, 1999; Scoular, 2004) - prostitutes emerge as certain types of 'social objects' partly in response to the forms of control that they are subjected to.

Also vital to the social constructionist perspective is the significance of **classification**. More often than not, prostitution discourse centres on the prostitute as an object of classification within different milieus - for example, street prostitutes, high-end escorts, and so on. Clients and others surrounding the prostitute are seldom classified. One form of classification revolves around analyses of prostitution as a **career**. As with other careers, prostitution involves choices, risks and control measures. Prostitution as career can be understood as a process that involves three phases: An initiation phase, an occasional prostitution phase and a professional commitment phase (Jarvinen, 1993). Below I discuss these four premises and how they illuminate prostitution as a social construction.

#### **3.4.2.1. Relativity of prostitution**

In order to understand prostitution across time and place, one must take into consideration the relativity of the construct 'prostitute' as it plays itself out in everyday language. Jarvinen (1993) points out five characteristics that make up what we commonly 'know' about a prostitute: Commerciality, promiscuity, non-selectivity, temporariness and emotional indifference. These characteristics typify how prostitution is currently popularly understood, but in each case, as pointed out below, there are exceptions, grey areas, and disjunctions between the lived experience of prostitutes and how they are commonly positioned in public discourse.

One of the 'common knowledges' in prostitution discourse is that for a sexual relation to be defined as prostitution, there must be some form of *sex-money connection*. Almost all the definitions of prostitution insist that a sexual encounter without some form of **commerciality** cannot be labelled as prostitution. This then implies that sex in exchange for gifts, overseas trips, holidays (as seen in the #blesser/blesee phenomenon to be discussed later in the chapter) and jobs could be defined as prostitution since there is some form of commerciality. However, prostitution discourse tends to limit commerciality to the exchange of actual money

for sex. Other forms of remuneration, barring money, are usually perceived as not ‘convincing enough’. However, there are exceptions. For example, as previously mentioned, convict women being deported to Australia were often labelled as prostitutes because they offered sexual services to deck crew and captains in exchange for better treatment, accommodation and tobacco (Frances, 2007). This begs the question of who exactly is constructed as a prostitute. Is a woman who accepts an offer of a drink and later has sex with the person who bought the drink a prostitute? Is a woman who accepts expensive gifts from a ‘tenderpreneur’ and later engages in sex with him a prostitute? Is the #blesser/blessee phenomenon a ‘respectable’ form of prostitution?

It is almost an accepted as gospel that prostitutes have multiple ‘partners’ - they are supposed to be **promiscuous** and their sexual transactions are not supposed to be exclusive (Jarvinen, 1993). When a prostitute has only one customer on a long-term basis, she is likely no longer to be considered a prostitute. Conversely, promiscuous women are labelled as whores or prostitutes, as was common, for example, during the Victorian era (Walkowitz, 1980a, 1980b). More often than not, prostitutes have sex with many customers which challenges society’s idea of how a woman should (sexually) behave. A woman is required to ‘offer her body’ to one man, and these type of utterances are often recited in marriage ceremonies. Thus marriage can be seen as an institution for keeping women in check with regard to their sexual behaviour and identity (Abbey, 1999; Auchmuty, 2012; Mesch, 2012).

A third characteristic of prostitution is that all men who can pay for a sexual experience are serviced, and not turned away. Thus, there is a perception that prostitutes do not choose their customers. This **non-selectivity** may be in response to competition (Mtetwa, Busza, Davey, Wong-Gruenwald & Cowan, 2015; Zhang, Hong, Li, Qiao, Zhou & Su, 2015) and the unpredictability of the working environment (Simon, 2016). However, in many instances, prostitutes are, in fact, selective of their clients. This selectivity could be based on appearance (ugly versus good-looking), race (some prostitutes prefer clients from their own race and some clients from other races) and the nature of the sexual requests (Jarvinen, 1993). It is not uncommon to hear that a particular prostitute only offers vaginal penetrative sex to the exclusion of anal sex or masochistic sex. A sense of security is also taken into account when selecting clients. Apparently dangerous clients are turned away, although it may be difficult to discern at face value who is dangerous especially taking into account that the clientele of street-based prostitutes often consists of strangers. For prostitutes who work in the streets, danger often surrounds them because they are exposed and working outdoors and they do not

have the time and resources to 'screen' their clients. A case in point is a constant plea by sex workers through SWEAT for protection from dangerous clients, but also from thieves who target street-based sex workers.

For a sexual relation to be unequivocally classified as prostitution, it must be **temporary** (Jarvinen, 1993). This translates into the notion that the prostitute and her client must not be in a long-term social relation. Do prostitutes who are in a 'long-term' sexual relation with a customer therefore escape being labelled a prostitute, at least in relation to that customer? Are prostitutes who have many regular customers (and thereby in effect selecting their clients) become disqualified from being labelled prostitutes even though these kinds of relations are highly commercial?

A final commonly understood characteristic of prostitution is that prostitutes are not emotionally attached to their clients. They are 'required' to display **emotional indifference** and to be neutral to their clients (and vice-versa). Imagining that individuals who engage in intimate relations with each other should not experience (or at least show) emotional connection is of course problematic, and there are many examples of prostitutes falling in love with their customers, eventually marrying and having children with them (Bad Girls Team, 2011; Trotter, 2008a). Not only positive emotions are at issue here. Some studies suggest that commercial sex work is often accompanied with negative feelings on the part prostitutes. Feelings of fear, repulsion, humiliation and anger are thought to be common. However, it is not clear whether these feelings are directed at their customers (or the actual sexual encounter), themselves or circumstances. It also does not necessarily mean that all prostitutes experience negative feelings related to their work. Some prostitutes enjoy their work. Neither negative nor positive emotions are unique to prostitution or qualifies it as a 'special kind of work' - it is common for service workers of all kinds to experience (and sometimes display) negative feelings towards their work and their clients.

These varied characteristics point to how malleable the concept of prostitution is. There is no clear-cut distinction between what constitutes prostitution versus non-prostitution. None of five criteria on its own distinguishes between prostitution and other sexual relations. The economic characteristic of prostitution might be thought of as a distinguishing variable, but sex for money, gifts and jobs is so common that many individuals who could be argued to meet the criterion are not in fact labelled as prostitutes and escape the baggage, stigma and taboo associated with that label. In a manner absurdly reminiscent of DSM diagnoses one

could imagine ‘diagnosing’ somebody as a prostitute based on meeting some set minimum number of criteria, but who knows how many prostitute-like qualities a person needs to qualify?

#### **3.4.2.2. The significance of social control**

The second social constructionist premise is that prostitution is not only suppressed by mechanisms of control, but is also produced by them. The social constructionist perspective is concerned with the interaction between the object of (scientific) curiosity, which in this case is a prostitute, and the experts and authorities who position themselves as observing subjects. In a similar manner, the focus is also on the interaction between subjects who seek to exert control and the objects (in this case prostitutes) that they seek to exert control over.

Individuals, groups and institutions exert power over the less powerful through mechanisms such as legislation, acts, rules, and overt (and covert) behaviours. Prostitutes are suppressed and rendered powerless by legislation that curtails (and controls) their activities, but they also come into existence as prostitutes precisely because power helps to position and define them as such.

The central question from a social constructionist perspective therefore is *how* certain people become defined as prostitutes through the relations of power within which they are embedded and who the various players are with whom they are in relation. The social constructionist approach to prostitution wishes to unpack how certain people end up with a prostitute tag and how their ‘ownership’ of this label (with all its baggage) impacts the understanding of their work, self-image and identity.

Prostitutes are subject to and produced by bio-power, as understood by Foucault, which is an attempt by states to regulate their subjects through control and subjugation particularly using public health as a mechanism (Danaher et al., 2000). This is evident in the promulgation worldwide of acts and policies relating to public morality, venereal diseases, contagious diseases and so on. Closer to home, the Immorality Act of 1957 is one example of how the apartheid government attempted to control the sexual lives of the South African population by declaring who they should have sexual relations with.

Perhaps one could borrow from Foucault’s construct of governmentality to understand how the state, through the use of policies and laws, controls prostitutes and women more generally. Foucault was interested in demonstrating how governmentality plays itself out in



body politics through the way “we conduct ourselves, and the relationship we have with our bodies and other bodies that constitute society” (Danaher et al., 2000, p. 83).

How do authorities define prostitutes? Generally, authorities and society perceive prostitutes as deviant. How do they reach that conclusion? They often use *oversimplification*. It is assumed that all prostitutes share similar or the same personality traits (such as histrionic, borderline tendencies), behave in a similar fashion (wear short skirts, are drunkards and drug addicts) and come from a similar socio-cultural context (crime ridden neighbourhoods and broken families).

Authorities often have *negative expectations* of prostitutes, assuming that nothing good could come out of prostitution. Prostitutes are treated with suspicion; health-wise they are perceived to be sick, as evidenced by the notion that prostitutes are vectors of disease. The HIV/AIDS talk in prostitution circles is like a moth to a flame. Socially prostitutes are suspected of hanging out with thugs and drug dealers. Their social milieu is assumed to be crime ridden, and it is assumed that they are not to be trusted as they often steal money from clients or send their pimps to rob their clients. Overall, the assumption is that of a morally bankrupt individual.

### **3.4.2.3. The significance of classification**

Classification (categorisation) of prostitutes is closely linked to the process of oversimplification. Authorities tend to rely on simplistic either/or binaries in how they classify prostitutes - good or bad, healthy or unhealthy, victimised or agentic. In deploying these types of subjective moral judgements, they systematically reproduce ‘prostitute knowledge’ that then feeds back into popular understandings in a continuous feedback loop.

One of the binaries that authorities rely on in attempting to make sense of prostitution and exercise control over prostitutes, is that of public versus private, with the former seen as more deviant than the latter. Public prostitutes are more often harassed than prostitutes who work from their own private venues, because the latter are seen to be less disturbing to the public order and more professional (Jarvinen, 1993). Overlaid onto and exacerbating prejudices against public transactional sex, are moral codes regarding appropriate public behaviour for women - lending further impetus to police and public efforts to ‘get prostitutes off the streets’. Promiscuity and public affection are things that one should do privately, particularly if one is a woman, and as a man, ‘one may cheat but should not get caught’ - with the effect that many so-called private acts only become punishable if done in public. The close link

between prostitution and the question of public versus private transgressions can be seen in the Sexual Offences Act (Act 23 of 1957) in which the two issues are addressed in a single clause:

(1A) Any person 18 years or older who- (a) has unlawful carnal intercourse, or commits an act of indecency, with any other person for reward; or (b) in public commits any act of indecency with another person, shall be guilty of an offence.

Cases of ‘public indecency’ are not only prosecuted in courts of law, but also in the court of ‘public opinion’ and in the media. A recent example of somebody who ran afoul of this is the case of a 71-year-old man who was ‘caught with his pants down’ in Cape Town in January 2017 (Petersen, 2017). Newspaper reports constructed the situation in such a manner that it was clear to readers that the man had done something ‘wrong’ - hence the use of ‘caught’ and ‘pants down’ as if he was engaging in an indecent, embarrassing act. However, as we have come to know, it is not the wrongfulness of the act (engaging in sex) per se that got him into trouble with the authorities. Rather, the ‘publicness’ of the act was the crime that he committed. As it happens, in this particular case the degree of ‘publicness’ could be contested, as the old man was having sex in his private space, namely in his car.

In as much as public prostitution is visible in comparison to private prostitution, there are certain rituals, or day-to-day activities that are only ‘known’ or ‘available’ to the prostitution community (which includes prostitutes, customers, pimps and neighbours, to mention a few). It is not unusual to arrive in a city, town or neighbourhood and to become aware of ‘prostitute zones’ where prostitutes hang-out - such as certain hotels, bars or streets. For example, in Pretoria, sections of Struben Street, Johan Street and Francis Baard Street are seen as prostitute zones, especially at night, as are the Capital Inn bar, Swema bar, and several others.

The policing and control of public prostitution is done differently in countries such as Australia, New Zealand and the Netherlands where the state designates certain areas as public sex spaces, such as the red light district in Amsterdam. Such arrangements, allowing for the public display of prostitution, are reminiscent of parents of a naughty child who realise that they must allow him or her some lee-way in order to blow off steam, while discreetly ‘keeping an eye on’ him or her to make sure that things do not get completely out of hand.

Closely related to the publicness of prostitution is the idea of exclusivity. Earlier I alluded to the relativity of prostitution, especially taking into account criteria of promiscuity, non-selectivity and the transitory nature of sexual relations. A prostitute is defined, *inter alia*, by how many sexual partners she has (if she has many, she fits the definition of a prostitute more closely, because then she appears to be promiscuous and non-selective) and by the duration of each of her sexual encounters (the shorter they are, the more 'prostitute-like' she is assumed to be).

In countries where prostitution is legalised, the publicness of prostitution appears at first to be a more straightforward matter. In such countries, the more public and visible the prostitute, the more clients she would be expected to draw. In the business environment, the more visible one's business is, the more clients one draws. However, it is not in fact as simple as it appears at face value: The 'commercial success' of a prostitute, even in a context where prostitution has been legalised, depends not only on visibility, but also on other factors such as social class and reputation.

Public prostitutes are seen as 'cheap' and non-exclusive, albeit independent. This is a typical public prostitute imagery. What this translates into is that quantity (number of customers) does not surpass quality: Even though public prostitutes may have more clients than private prostitutes, it does not necessarily mean that they will make more money. Private prostitutes (which include call-girls and brothel prostitutes) are more discreet, exclusive and expensive. They depend on continuity - the more repeat-customers they get, the more money they make. Oftentimes a particular customer returns to the same prostitute while fostering fantasy that they are exclusive (that the prostitute is only having sex with him). Customers and sex workers sometimes form strong emotional bonds.

Public versus private is a class issue not only in the prostitution context, but also in other contexts such as in sports and entertainment. Having some sort of 'private' access to a service is often used as a strong selling point. For example, the principle that 'if you want comfort, you must pay more' as applied to the renting out of private suites at soccer and cricket games. Those sitting in VIP suites are shielded from the sun, the noise from the fans and the discomfort of sharing one's space with the crowd. The 'private' or 'exclusivity' concept is also pitched at clients who frequent brothels and those who use other discreet forms of connecting with sex workers, such as the internet. The clients are under the illusion, or at least pretend to be under the illusion, that the sexual encounter is private and exclusive, while

it may be recorded and streamed for the cyberspace community to participate in (Ives, Adair & Siberry, 2010).

Private prostitutes such as call-girls and brothel prostitutes attach higher social status to themselves than street prostitutes. Street prostitutes are seen to be occupying a lower social status because of the publicness and inclusivity of their sexual conduct, but also because they typically come from poorer backgrounds. Prostitutes are generally conscious of their own class - of where they 'fit' in relation to social status or standing. This has an impact on which clients they provide services to and how they talk and behave in relation to them. However, the categorisation of prostitutes based on their status and socio-economic background is not necessarily absolute. Not all street prostitutes come from poor socioeconomic backgrounds and they will not necessarily only engage in commercial sex with 'poorer' customers. There are many prostitutes that come from lower socio-economic background who ply their trade in affluent suburbs, who are based in brothels and who 'attract' an affluent clientele.

#### **3.4.2.4. Prostitution as a career**

The social constructionist perspective analyses prostitutes' participation in commercialised sex as a social career divided into three stages: the beginner, the occasional prostitute and the regular prostitute (Jarvinen, 1993). There is an assumption that prostitution as a career follows a linear course. One begins from the bottom (as a beginner), then moves to a middle phase (occasional prostitute) then 'graduates' to a full professional (regular prostitute). Below is a brief discussion of each phase as suggested by Jarvinen (1993).

***The beginner.*** These are typically individuals who are already somewhat familiar with the prostitution context. They might have worked in the sex industry as strippers, dancers or bartenders in prostitute-friendly bars. They may be labelled promiscuous, have hung out with prostitutes and engaged in 'lighter' forms of sex for money such as asking a guy to buy a drink in return for the possibility of sex. Some studies reveal that the transition from non-prostitute to a prostitute is fluid. The progression from non-prostitute to beginner-prostitute is non-linear, not only because of the particular financial needs and opportunities that a potential prostitute may happen to encounter, but also because (as previously discussed) the criteria that define prostitution are hazy and there are no clear boundaries between what constitutes prostitution and what non-prostitution.

***The occasional prostitute.*** These are women (and men) who repeatedly sell sex, but only when the need arises. For example, they 'get into' prostitution when they need money for

weaves, to go out with friends, or to supplement their income. This stage is characterised by learning more about the sex industry through experiential learning. There is a growing interest in conducting research on tertiary (mostly traditional universities and universities of technology) students who sell sex occasionally (Sagar, et al., 2015; Sanders & Hardy, 2015). Most of these students do not talk about what they do as constituting prostitution because, even though they may do it repeatedly, they are not ‘in it for the long haul’. They perceive their involvement as transitory (Sagar, et al., 2016). Occasional prostitutes are not bound by brothel rules or controlled by pimps as they sell sex in their own time and believe that they could leave the sex industry whenever they choose. The occasional prostitution phase epitomises the type of sex work brought into visibility by the agency discourse, as most women who see themselves as occasional prostitutes are of the opinion that they could leave sex work whenever they wish, and are in control of decisions such as who to engage in sex with, and how frequently (Sagar et al., 2015; Sagar et al., 2016). To the extent that occasional prostitutes agency becomes eroded, it is typically not imagined as a matter of dire poverty, but rather as succumbing to the temptations of ‘easy money’ or becoming ‘addicted’ to a particular lifestyle.

***Regular prostitute.*** This is the final phase, characterised by sexual transactions taking on a more central role in the life of the prostitute. Her self-image is dominated by the acceptance that she is a prostitute and that prostitution is part of her identity and profession (Jarvinen, 1993).

Of course, these stages are not cast in stone or absolute. It does not necessarily mean that once one enters into the web of prostitution as a beginner, one will ultimately become a professional prostitute. Many prostitutes remain ‘stuck’ in one stage, for example, moving in and out of prostitution as an occasional prostitute, without ever progressing to regular prostitution. Thinking of the career of a prostitute as unfolding through a number of phases is nevertheless useful as it draws attention to the ways in which beginners are inducted into a system that has its own regulations, norms and hierarchies. Those who embark on a career of prostitution do not move into uncharted territory - they are becoming part of an institution that involves established hierarchies and practices, and that to some extent offers support and teaches survival techniques in an environment that entails constant danger.

Those new to the prostitution field are inducted on how to maintain social relations within the system. They are taught how to take care of their customers, how to engage with pimps and

the importance of collegiality among prostitutes. A professional prostitute, through experience, masters the art of 'talking the game', which is the skill of negotiating with potential customers. Professional prostitutes are able to approach a potential customer, rather than waiting to be approached, and negotiate sexual services on offer and the price attached to them. This form of assertiveness comes with experience and is potentially difficult for those new to the profession as it challenges traditional gender role expectations (Jarvinen, 1993).

The four social constructionist premises together paint a picture of prostitutes and prostitution as an intricately stitched-together socially constructed phenomenon that is woven together from many different strands - as encapsulated in Figure 3.2. As can be seen from the figure, any person could be labelled a prostitute depending on the particular criterion focussed on. For example, some people choose to have a relationship which is at least partly based on commercial reward. They do not mind bragging, for example, about their partner's financial stability as the main reason they are in a relationship. Similarly, many married women could be labelled prostitutes because of fulfilling the criteria of exclusivity, commerciality and social status.

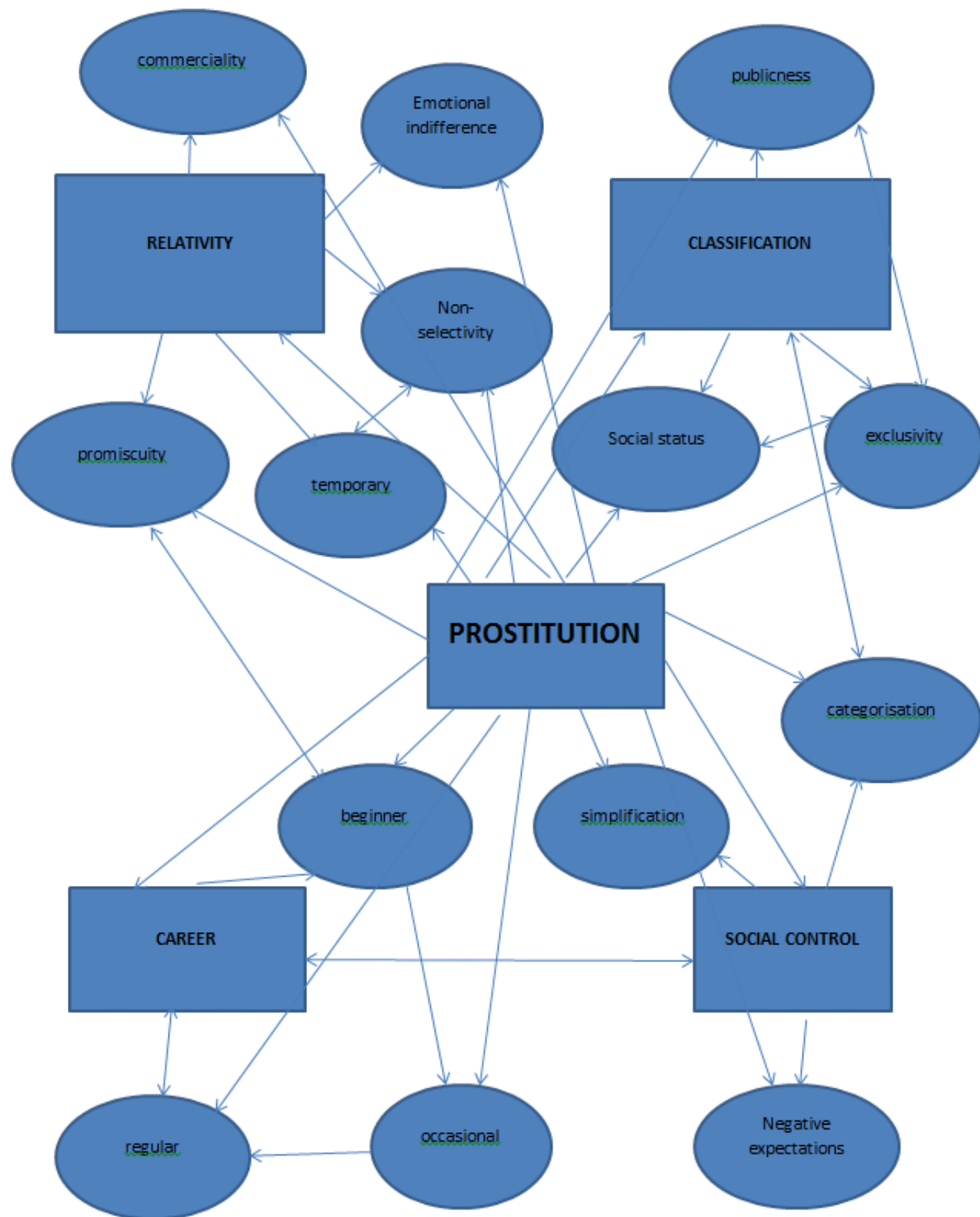


Figure 3.2 Social constructionist idea of prostitution

### **3.4.3. Feminist approaches to prostitution**

Feminism, labelled as such and functioning as an ideology and a political position, only gained momentum in the 1970s (Jenness, 1990; Shulman, 1980; Sullivan, 1991; Walkowitz, 1980b). However, forms of political and social activism that focussed on women's rights have existed since at least the industrial revolution. The core of traditional feminism, understood as all historical forms of advocacy by and on behalf of women, concerns identifying and opposing the unequal distribution of power between men and women (Kesler, 2002; Lie, 1997; Piscitelli, 2014; Robinson, 2007; Snyder-Hall, 2010). Feminists challenge a male-constructed patriarchal system, which subordinate women physically, emotionally, socially and economically. Feminist thought and action has always been dominated by relatively empowered middle class women; however, as feminism became an established school of thought, it broadened its focus to include marginalised groups such as people of colour (blacks), Lesbians, Gay, Bisexual and Transgender (LGBT) communities, with a strong emphasis on lesbians.

As part of the agenda of reaching out to marginalised groups, feminists also increasingly began to focus on prostitutes. One might ask what was so 'attractive' about prostitutes? Feminists saw prostitutes as an ideal group for advocacy (Walkowitz, 1980b) because they were seen as women (in most cases from the less-wealthy classes) who are 'strange and different' in the sense that they do not fit any socially constructed idea of what a 'perfect woman' should be like. They were marginalised and socially excluded, but also perhaps revealed a deeper truth about how women in general were actually viewed by society, with all women's bodies and souls ultimately constructed as nothing more than 'female objects' for male consumption (Sanders et al., 2009, p. 5).

The 'othering' of prostitute bodies (and by extension all female bodies) is evident across time and place, from ancient Greece (Bell, 1994), the Victorian era (Foucault, 1978; Levine, 2003; Jarvinen, 1993; Walkowitz, 1980b) and in modern times (Ahearne, 2015; Chang, 2015; Fonseca, 2016; Khan, 2015; Sultana, 2015). One may then ask: Why are the discursive patterns that shape the understanding of prostitution dominated by 'othering'? The abject prostitute image, or whore image (as constructed in media, literature and movies), has been contrasted with the image of female perfection exemplified by a good, healthy and chaste body (Ahearne, 2015) - but both types of body function as an object for male observation and enjoyment.



Second-wave feminists who were influenced by the political climate of the time that excluded women economically and politically (Mackay, 2011; Ramsay, 1997; Robinson, 2007) began advocating for the sexual expression of women (which, for some, could include prostitution). However, this group was divided between fighting for gender equality versus sexual freedom. On the one hand, they were opposed to activities that were thought to oppress and exploit women such as pornography and prostitution, but on the other hand, they believed that women should not be perceived as passive sexual beings. These feminists have been divided with regard to topics such as pornography and prostitution, with one group seeing it as oppression and the other as sexual emancipation (Dodge & Gilbert, 2015; Mackay, 2014; Snyder-Hall, 2010). Generally, second wave feminists were of the opinion that sex workers are victims of patriarchy, where economic opportunities were reserved for a select few and prostitution becomes the only viable source of making money for some women (Carr, 2013).

Third wave feminism that developed in the mid-1990s in America (Coleman, 2009; Snyder-Hall, 2010) attempts to find symmetry between the traditional feminist ideals of gender equality and ideas relating to sexual freedom. In relation to sex work, third wave feminists take an agency position, affirming a woman's choice to become a sex worker, or to experience other forms of sexual freedom and sexual pleasure.

The feminist view of prostitution is that it is not a natural and socially inevitable phenomenon, as the functionalist perspective had postulated earlier (Davies, 1937; Jarvinen, 1993). The initial historical position of traditional feminism regarding prostitution is that it is a deviant activity and a form of sexual slavery (Barry, 1979; Hoigard & Feinstad, 1992; Jarvinen, 1993). In this view men are to be blamed for prostitution as they are imagined as perpetrators who force women to engage in sexual activities (Lie, 1997), and prostitution is simply one of many manifestations of the fundamental inequality between men and women in society (Jarvinen, 1993; Sagar & Jones, 2014; Tambe, 2005). The imbalance of power between men and women lead to the sexualisation of a weaker gender, in this instance women. Prostitution mirrors a patriarchal view of sexuality where men are seen as sexual and women as asexual; and a tendency to view the female body as a commodity (Jarvinen, 1993; Schultzt, 2006). Women become prostitutes because of biased gender roles and the allocation of resources that favours men. This implies that women who have lower levels of education, who come from poor family backgrounds and who are economically deprived are at risk of 'choosing' prostitution. This traditional feminist view in some ways draws on functionalist perspectives that cite social rootlessness, loneliness and marginalisation as reasons why

women become prostitutes (Jarvinen, 1993; Phoenix, 1999). On the individual level, prostitution is often linked to other forms of sexual exploitation (Sagar & Jones, 2014), as is exemplified in the disturbing histories of incest and rape that are commonly found in the life stories of women who have become prostitutes (Brody et al., 2016; Jarvinen, 1993).

More recent feminist work, particularly that of liberal feminists, views prostitution as a reasonable response to the socio-economic pressures created by consumer culture in a capitalist system which advantages male sexuality (Hoirgard & Feinstad, 1992; Jeffreys, 2008a; Kesler, 2002).

The attention given to sex work issues by feminists has had positive implications as it opened up debates on labour law practices and reform, and the conditions sex workers are subjected to (Sanders et al., 2009). Despite the richness of feminist literature on prostitution, it does not seem to escape the victim-agency binary that conditions other forms of talk and writing about prostitution. From a feminist perspective, women who work as prostitutes are victims of a patriarchal system which exploits them. Prostitution as an institution reinforces male domination over women and therefore prostitution is a form of exploitation that affects all women (Sanders et al., 2009). Concurrently, some feminists also champion prostitution as a form of work freely chosen by those who engage in it, and argue that sex workers deserve to be afforded the same rights as other workers, including access to health care, and protection from exploitation and violence (Hardy, 2010; Jackson, 2016; Sanders et al., 2009).

In the next chapter I examine the role feminism, its contribution to the social construction of prostitution, and the ways in which it remains in thrall to the victim-agency binary or manages to transcend it, in greater detail.

### **3.5. Legal responses to sex work**

During the colonial era and in the early days of apartheid, sex work was tolerated with minor regulation because it was viewed as not much more than a social inconvenience and a ‘public nuisance’ (Kalwahali, 2009). The Contagious Diseases Act continued to have an effect in former British colonies such as South Africa, with sex work seen as primarily requiring control through public health initiatives in order to limit the spread of contagious diseases. However, public health approaches had limited impact on reducing the prevalence of commercial sex.

Today South Africa is one of the countries where sex work is explicitly criminalised (Fick, 2007; Krusi, Pacey, Bird, Taylor, Chettiar, Allan, Bennett, Montaner, Kerr & Shannon, 2014). Initially, the question that comes to mind is why a sexual activity between two consenting adults is classified as a criminal offense? Barring underage sexual exploitation and human trafficking, almost all sexual encounters and sexual/financial transactions are consensual. The infamous Immorality Act (Act 23 of 1957), which was introduced by the National Party, clearly played a role in constructing and perpetuating a discourse of sex work as immoral, with the additional South African twist of also outlawing sexual relations between white and black people. Although later renamed the Sexual Offences Act, the act had already done the damage of constructing prostitution as immoral. When it was further amended in 2007, a punitive clause was added that criminalised the clients of sex workers, once again perpetuating a discourse of sex work as dirty, a 'thing' to be punished.

Legal debates about prostitution are dominated by three discourses on prostitution: the criminalisation discourse, legalisation discourse and decriminalisation discourse (Comte, 2014; Kalwahali, 2009; Mgbako et al., 2013; Radebe, 2013; Rhoda, 2010). What all these 'pocket ideologies' have in common is that prostitution must in some way or another be controlled.

### **3.5.1. Criminalisation**

The criminalisation discourse is strongly influenced by a moralistic view of prostitution based on the notion that selling sex is inherently wrong. Some legal experts have argued that criminalisation of prostitution should be held unconstitutional as it tramples on the human rights of those who sell sex (Fritz, 2004). They argue that criminalising sex is a basic human rights violation as it creates the impression that sex workers are not worthy of being afforded the same respect and protection as the rest of the human race. With these violations, sex workers are not afforded the right to equality, human dignity, the right to privacy, the right to bodily integrity and the opportunity to engage in economic activity (Kalwahali, 2009). Sex workers' narratives are filled with anecdotes of violence, law enforcers' abuse, and secondary victimisation by health care practitioners and the justice system. These human rights abuses are enabled by the idea that sex workers are involved in an illicit activity in the first place and that they deserve whatever comes their way. This is in line with the moralistic view of punishment that if one does something wrong, one deserves whatever outcome comes one's way.

The criminalisation discourse is based on the **prohibitionist** approach in terms of which all activities related to prostitution such as soliciting, selling sex, keeping a brothel, or buying sexual services are unacceptable and criminalised. This approach is deeply rooted in a Victorian moralistic view of sex and sexuality whereby anything sexual is constructed as a private matter between a woman and her husband (Walkowitz, 1980a) and a woman's sexual experience is socially constructed as part of her identity as a wife or potential wife (Carpenter, 2000; Comte, 2014; Foucault, 1978; Walkowitz, 1980a). Since prostitution involves 'public sexual activities' in the form of, for example, soliciting, lap dancing, stripping and often sex with more than one 'partner', it is then viewed as wrong as it challenges the societal and normative constructions of sex.

Criminalisation of sex work is, however, ineffective and costly (Comte, 2014). Mgbako et al., (2013) estimate that the South African government spends almost R14 million a year on prosecuting sex workers. Criminalisation of sex work perpetuates the idea that sex workers are criminals and that therefore every form of violence, abuse and discrimination is justified (Mgbako et al., 2013). Most sex workers therefore hide their profession from their families in order to avoid the shame and stigma associated with the trade (Mgbako et al., 2013; Trotter, 2008a).

Whereas the prohibitionist approach wishes to criminalise all aspects of sex work, the **abolitionist** approach allows the sale of sex but not all related activities that include among others, soliciting, living off the earnings of prostitution, owning and keeping a brothel and procurement (Comte, 2014; Rhoda, 2010). Like the prohibitionist approach, the abolitionist approach is influenced to an extent by the moralistic discourse. The abolitionist approach is in some ways parallel with the view of radical feminists who view prostitution as total exploitation of women. The abolitionist approach views sex workers as victims who should not be criminalised, but rescued from prostitution (Comte, 2014) while others involved in the sex trade should be prosecuted. Thus in countries where the abolitionist approach is followed, sex workers are not treated as criminals, but brothel owners are (Comte, 2014).

Partial criminalisation (the abolitionist approach) results in continued harm to sex workers, both individually and collectively. In countries where partial criminalisation is in effect, everything related to sex work except the sex worker is criminalised. The 'novel' idea and goal is to end the demand for and purchase of sexual activities. Clearly, this approach is aimed at alienating sex workers, eventually laying bare the discourse that they are helpless

victims who must be assisted to move out of the sex industry by taking away their ‘bread’. This discourse is particularly problematic for two main reasons: First, it projects all sex workers as helpless victims who must be protected from clients and pimps. Second, it violates the human right to work as sex workers are not afforded the opportunity to practice their profession.

Despite attempts by governments to either totally or partially criminalise sex work, there are no signs of such approaches being effective in suppressing the sex industry. One could then ask: Why do governments continue to subjugate sex work? The answer may lie in the moralistic discourse. The traditional patriarchal imagery of an innocent, pure woman is greatly challenged by sex work (Jordan, 2012) and forces society to come to terms with sexual diversity.

However, as is often the case with moralistic approaches, ‘out of sight is out of mind’. With technology always improving, some sex work has evolved to ‘become invisible’ as sexual transactions are conducted discreetly online (Jordan, 2012). This mirrors a many-centuries old tradition of suppressing prostitution only to the extent that it is publicly visible. Foucault (1978) pointed out that brothels and mental hospitals were the only institutions that somehow escaped the dominant bourgeois sexual mores of the nineteenth century. It was in these institutions, particularly the brothel, that “illegitimate sexualities” (Foucault, 1978, p. 4) were tolerated. Bourgeois Victorian society constructed sex as a private affair, a thing done in the bedroom, between adults (in this case, a husband and wife), and in effect a secret. People, particularly children, were ‘not allowed’ to talk about sex. Sex became a taboo subject and in Foucault’s (1978) words “there was nothing to say about such things, nothing to see, and nothing to know” (p. 4).

### **3.5.2. Legalisation**

Proponents of the legalisation perspective argue that sex work should not be illegal (Mgbako et al., 2013). They are of the opinion that prostitution is a form of work and that sex workers should therefore be treated like any other workers and afforded equal rights, benefits and protection under labour laws. However, the legalisation discourse draws on a regulatory approach that is based on patriarchal control of the sexuality of women, in this case, sex workers. There is also an inclination among states where sex work is legal to over-regulate the sex industry and to treat it as different from other forms of work. In countries where sex work is legal, the sex industry is typically subject to numerous government regulations, and

sex work may only be practised under certain limited conditions. These conditions include zoning that limits sex work to certain areas (such as the red light district in Amsterdam), the registration of sex workers, licensing of brothels, and mandatory health testing (Kalwahali, 2009; Mgbako et al., 2013). Due to the stigma surrounding prostitution, these regulations are at best unrealistic and ultimately generate underground prostitution (the very phenomenon that legalisation is supposed to prevent) that puts sex workers at increased risk of harm and trafficking (Mgbako et al., 2013). The regulatory conditions also tend to construct two imageries of sex workers - those who are legal and those who are illegal, with the latter more prone to victimisation and harm.

The legalisation approach is in some ways a practical implementation of the functionalist view of prostitution, which sees prostitution as a necessity for a stable social order (Jarvinen, 1993). The functionalist perspective views prostitution as a natural and unavoidable social phenomenon (Jarvinen, 1993), a private affair between two consenting adults. Functionalists argued that eradication of prostitution is unrealistic and that stringent control will not reduce prostitution but will only lead to the replacement of public prostitution with more dangerous underground forms (Jarvinen, 1993; Mgbako et al., 2013). Controlling sex work is central to both the legalisation framework and the functionalist perspective. However, the control is not directed at prostitution as an inherently unacceptable phenomenon, but at eliminating the 'public nuisance' that surrounds the sex trade, such as social disturbance, alcohol abuse, human trafficking, theft and public disorder (Jarvinen, 1993).

As much as the legalisation framework appears to encourage equal rights for prostitutes, it allows subtler discourses of risk and immorality to rear their ugly heads, as sex work (although legal) is still seen as a 'threat' that needs to be contained by 'regulation'. The fate of sex workers still lies in the hands of authorities who subject them to mandatory HIV screenings, compulsory registration, and limit on their freedom of movement when they are practicing their profession.

### **3.5.3. Decriminalisation**

The decriminalisation approach is perhaps one of the most controversial topics among human rights activists, the legal fraternity and academics (Comte, 2013; Fritz, 2004; Jordan, 2012; Mgbako et al., 2013; Radebe, 2013; Walker & Oliveira, 2015; SWEAT, 2016). Total criminalisation, partial criminalisation and legalisation of prostitution have their downsides, such as human rights violations, abuse, and violence; and especially the perpetuation of

control over women's sexuality. For this reason, many pro-prostitution agencies such as sex worker organisations, liberal feminists and human rights lawyers advocate for the complete decriminalisation of sex work.

What exactly does decriminalisation entail? The criminalisation is in effect a demonization of prostitution, constructing an imagery of hordes of sex workers doing crack on every corner whilst drug dealers and pimps engage in open gun battles. Decriminalisation, by contrast, views prostitution as just another form of work that should be regulated through *existing* legal frameworks, in this case existing labour laws (Mgbako et al., 2013). Proponents of this perspective postulate that it will facilitate equal rights for all, and access to health, safety and humane working conditions for sex workers as their trade will no longer be perceived as illegal and they will not be bound by special regulations aimed at them as a somehow more unruly class of workers.

Decriminalisation acknowledges fundamental rights such as freedom of choice, freedom of association, rights to health, and the right to dignity (Mgbako et al., 2013; Radebe, 2013; Walker & Oliveira, 2015). Thus decriminalisation draws heavily on discourses of agency in terms of which individuals can be trusted to manage their own lives provided the state gets 'off their case'. In this view, the choice of becoming a prostitute is similar to any other kind of career choice, and is governed by a more-or-less rational appraisal of factors such as available job opportunities, and the benefits and limitations of the job.

Clearly this kind of liberal utopia does not sufficiently take into account the practical and discursive constraints within which prostitution function. Radical feminists therefore argue that decriminalisation will not curtail and prevent stigmatisation as it is so deeply rooted in patriarchal attitudes towards women and the social imagery of sex workers as deviant, irresponsible and morally bankrupt (Comte, 2013). Radical feminists argue against decriminalising sex work as it will, according to them, primarily benefit the buyers of sex and pimps, because they will have a 'licence' to exploit women [sex workers] (Ahearne, 2015; Barton, 2002; Kim, 2016). Decriminalising sex work, at least from the radical feminist perspective may also open up new opportunities for illicit activities such as human trafficking and underage sex as there will be more demand for sexual services of all kinds (Doezema, 2001; Levy & Jakobsson, 2013). In short, from a radical feminist perspective, decriminalising sex work will legitimise the patriarchal ideology of women as male sexual objects and will in effect preserve men's right to buy women (Beran, 2012; Farley, 2004; Gauthier, 2011).

Legal frameworks such as the criminalisation, legalisation and decriminalisation approaches reviewed here of necessity fasten onto the explicit and tangible actions of social actors - such as receiving money for particular kinds of sex under particular, clearly defined, conditions. However, the explicit things that people do and say are manifestations of much less easily defined and controlled, and much more deeply historically entrenched, ideologies and discourses that will find ways of asserting themselves, whatever prohibitions are placed on, or permissions are granted for, particular forms of behaviour. In some sense the functionalists may have been right that prostitution (and the continued prosecution of prostitutes) is indeed inevitable (and necessary for society to continue in its present form), but it is not 'human nature' that conditions this inevitability, but rather the fact that the battle to change the power relations between men and women and between rich and poor is still far from over.

### **3.6. The 'danger' of prostitution**

More often than not, prostitution talk is dominated by the idea of prostitution as 'dangerous'. The different legal responses discussed above came into being precisely because prostitution is considered in some way as hazardous to society (and to prostitutes themselves). But what exactly is so 'dangerous' about prostitution? Is the act itself dangerous, or the people involved in the act, or the environment surrounding the performers of the act? Below I attempt to unpack the different elements that go into constructing prostitution as a suitable target for 'moral panics' and generalised fear, including anxieties around respectability, dilapidation, infiltration, and 'risk'.

#### **3.6.1. Respectability: "There goes the neighbourhood"**

Prostitution is commonly understood to go along with neighbourhood decay. Spotting signs of prostitution on a street corner near where one lives is a sure sign that it is time to move out (or perhaps to send an angry letter to the local newspaper). Law enforcers tend to patrol and target areas that are known for prostitution (and, it is assumed, alcohol and drug use and crime) with the intent of 'cleaning up the neighbourhood'. In many instances, prostitutes become scapegoats because they are an 'easy target', more visible and less of a threat to police officers than, for example, drug dealers.

Some academic literature also draws the link between prostitution, drug and alcohol use, crime and danger (Brawn & Roe-Sepowitz, 2008; Bungay, 2013; Ditmore, 2013; Farley, 2004; Qiao et al., 2014). This kind of literature often falls into the trap of choosing particular types of spaces to focus on - in most instances, run-down neighbourhoods where the level of



crime, alcohol and drug abuse is already relatively high and visible independently of the presence of prostitutes. By comparison, affluent suburbs and 'underworld prostitution' have received little, if any attention from researchers because most of the problems that go along with this type of prostitution are 'private' and invisible. However, there is some effort, at least in the South African context, to expose what goes on in these private and underworld spaces (see Wiener, 2012).

Another example where 'private' is left alone is the limited research done on private, exclusive and independent prostitutes. Generally, the focus has been on visible, public prostitutes which skews what is known about prostitution. What dominates public discourse is the visible and public 'problems' of drugs, crime and prostitution. On the rare occasions when private prostitutes are spoken about they are often imagined as unrealistically glamorous and wealthy - as if they were a completely different species from what is commonly understood to be a prostitute. The obsession of problematising and pathologising what is public and visible creates the idea that what is private and invisible (which includes, of course, what happens in the privacy of the marriage bed) is not so much problematic; and must therefore be left undisturbed.

### **3.6.2. Dilapidation**

There is a famous series of six paintings by Hogarth called "A Harlot's Progress" (as described in Paulson, 2003) that depict the story of a young French woman (Moll Hackabout) who was lured into prostitution and who, when arriving in London, had to spend her formative years as a prostitute living in a crime-ridden neighbourhood with dilapidated buildings. She died at 23 with her funeral turned into a beer and sex 'festival' (Paulson, 2003). The story (through Hogarth's paintings) represent a discursive pattern that was dominant during the 17<sup>th</sup> century and that still conditions our understanding of prostitution - namely that of the abjection and moral bankruptcy that accompanies prostitution. This moral decay could be seen visibly etched onto the faces of prostitutes and those who made a living off them, and onto the dirty and decaying buildings where prostitution was practiced.

Prostitutes were, and continues to be, seen as immoral (Bailey, 1966; Bucur, 2015; Primoratz, 1993) and as vectors of disease (as portrayed in the way Moll died, which was from syphilis; Paulson, 2003). Legislations such as various venereal diseases and immorality acts in the UK, South Africa and elsewhere have incorporated this kind of talk in order to try and segregate prostitutes as a group that should not interact with 'normal' and healthy citizens (Caslin,

2010; Frances, 2007; Levine, 2003; Trotter, 2008b; Walkowitz, 1980a, 1980b). Again, the males who were complicit in the sexual encounters with prostitutes were usually exempted from the embarrassing and inhumane acts of being subjected to forced examination and ultimately of being kept in locked hospitals (Caslin, 2010; Walkowitz, 1980a; Levine, 2003).

### **3.6.3. Infiltration**

Another reason why prostitution is imagined as dangerous involves the possibility that its moral codes might somehow infiltrate ordinary life. To maintain the kinds of gender and sexual relationships typical of marriage as the norm, it is important that they should be starkly differentiated from other types of more wanton or more mercenary interaction between men and women. Therefore, any suspicion that prostitution-like behaviours may be seeping into the world of respectable society provides grounds for a degree of ‘moral panic’. In recent years, two such phenomena have captured the South African public and media imagination - ‘mavuso’ and ‘#blesser/blessee’.

***Mavuso*** is a township slang term that can be loosely translated as “helping each other”.

Mavuso is a type of stokvel, which is a long-established South African practice that promotes a culture of saving through regular contributions to a central kitty, which is then paid out to members on a rotational basis or in times of need (such as weddings, funerals, unveiling of tombstones or payment of educational fees). Stokvel meetings usually also have an aspect of sociability and conviviality. It is at the discretion of members as to how frequent and when members are required to contribute (weekly, fortnightly or monthly), how the money is invested, and under what circumstances it is paid out. Stokvels are considered respectable and effective methods of group savings and some South African financial institutions explicitly provide support for this kind of saving.

Mavuso, which is believed to have started in Hammanskraal (a township near Pretoria), adds an interesting twist to the stokvel phenomenon. A ‘mavuso stokvel’ is usually held on Mondays evenings in a tavern. At midnight, a ‘stokvel payment’ for the week is announced, but rather than going towards savings, the amount is for the payment of women who agree to have sex with men who are participating in the mavuso. Mavuso in this context becomes a slang term for money given to a woman after she has spent the night with a man often both from the tavern where the event was held. The money announced is sometimes not fixed as subsequent negotiations take place between the member and a woman of his choice. They then agree on a fee for spending the night together.

Mavuso is held alongside another ‘sexually charged’ event, known as no-panties. As the name suggests, women who frequent the event do not wear panties for the night. The idea is for these women to entice men by dancing suggestively in order to score a client for later sex-for-money encounter. During the gathering a man and a woman, either known to each other or complete strangers, engage in sexual intercourse under the pretence of a ‘speed date’. As is the case with Mavuso, the ‘no-panties party’ involves women, who usually do not consider themselves to be prostitutes, offering sexual services for a fee. Sometimes the fee involves the buying of alcohol for a woman (and her friends) that they drink together before ‘deciding it is time for sex’, but often there is also an additional payment.

Mavuso and no panties parties perturbs the clear distinction between prostitution and non-commercial sex. In Mavuso sex-for money happens in a ‘safe context’, which is a stokvel and people having fun. A recent documentary (The Checkpoint, 2016) includes interviews with the women (and men) who engage in this type of transactional sex, and without exception they do not see their behaviour as constituting prostitution. Those involved in Mavuso, no panties and alcohol-for sex, do not see themselves as part of the cast in the prostitution play; for them it is all about ‘good time’. This is precisely why stories about mavuso and related phenomena are avidly consumed by the public - because they raise the spectre of a social order where distinctions can no longer be drawn between transactional and ‘proper’ sex. (Arguably, they also provide a diversion from considering the gender politics that govern ‘normal’ and ‘proper’ sexual relationships.)

Perhaps even more prominent than Mavuso, is the *#blesser/blessee* trend, which has been a buzzword and hashtag in South African social media and in everyday talk since around 2016. A *#blesser/blessee* ‘relationship’ is based on a man providing financial support to a woman on a long-term basis in return for companionship and, in most cases, sex. The man is usually older than the woman and can afford to buy consumer goods such as exclusive bags, shoes and clothing for her. In some instances, a blesser pays for the blessee’s apartment and buys her a car. The trend of labelling this kind of relationship ‘*#blesser/blessee*’ originated on social media platforms such as twitter, instagram and facebook when young (usually Black) women posted pictures of themselves shopping across the world, driving expensive cars and wearing expensive clothing. The women would be tagged as ‘*#blessed*’ on social media (Enca, 13 May 2016). The *#blesser/blessee* phenomenon is strongly heteronormative and dependent on the intersectionality of gender inequality, race and class. Typically, a young Black female from a disadvantaged background plays the role of blessee who is lured into a

‘good life’ by an older male who has access to money and can afford to buy material things in return for sex.

A well-known blesser who was interviewed by a Checkpoint anchor (see Checkpoint episode that was aired on 10 May 2016) provides some insight on how power plays itself out in this kind of ‘union’. He explained that he could be a ‘blesser’ to up to five women at a time. He justifies this by claiming that the women, too, are “fucking around”. This particular blesser makes the actual power dynamic at play visible in speaking of the women whom he blesses as immoral and not worthy of respect and dignity, implying that he could ‘do’ whatever he wants because he ‘owns’ them. However, blesser/blessee provides the impetus for an incipient moral panic not because it involves the exploitation of women, but because it too closely resembles ‘normal’ heteronormative relationships and therefore threatens to infiltrate the safe world where prostitution is practiced by the ‘other’.

Mavuso, no panties, alcohol-for-sex and #blesser/blessee all involve some form of sexual-monetary transaction without being categorised as prostitution and as such they all threaten to infiltrate the ethos of prostitution into everyday relationships between men and women.

#### **3.6.4. ‘Risk’**

A final way in which the dangerousness of prostitution is spoken about involves the idea of ‘risk’. An elaborate language of taking and avoiding risks has seeped from the world of public health into everyday talk and action in relation to a range of perceived social threats, including prostitution. Risk talk is almost always associated with the principle of the ‘public interest’ and the idea that potentially dangerous situations should be managed through particular policies and laws (Baggott, 2002). As seen in the previous chapter, the venereal diseases act in the UK (and similar legislation elsewhere) was packaged as a public health initiative enacted to protect the ‘interests’ of the public from prostitutes who posed a danger to the health of citizens (Levine, 2003; Walkowitz, 1980a). ‘Risk talk’ in prostitution research focuses particularly on the risk of contracting and spreading disease, particularly HIV/AIDS, as a result of being a prostitute (Brody et al., 2016; Farley, 2004; Qiao et al., 2014). Inherent in this is an implicit notion that prostitution is at the epicentre of disease, thus further intensifying the dangerousness of prostitution by closely linking it to what has often been described as the most severe public health concern of the 20th and early 21st centuries.

‘Risk talk’ is very different in tone from other forms of discourse that ‘talks up’ the dangers of prostitution in that it is typically couched in measured medical, scientific and statistical

terms. However, it has similar effects as other ways of linking prostitution and danger, such as displacing the assumed site of danger and risk from the public at large (specifically men) and onto (mostly female) prostitutes, and reinforcing the perceived differentness of prostitutes from ordinary citizens.

Professionals involved in the field of Public Health typically wish to distance themselves from 'non-scientific' perspectives and are therefore careful to avoid moral judgements about prostitution. Instead the general panacea for mitigating the risk of HIV is, as also in other contexts, to advocate the consistent use of condoms. This kind of technicist solution tends to wish away the intimate power dynamics within which decisions about condom use are made, as well as, ironically, exposing condom users to the risk of contracting conditions that are in fact not prevented by condom use, such as tuberculosis (TB), head and pubic lice, and hepatitis, to mention but a few.

### **3.7. The prostitute as victim**

Moral panics around prostitution are however not limited to the idea of prostitution as dangerous, but also fasten onto the idea that being a prostitute involves an intensity of wretchedness that reflects badly on society. Prostitutes, we are urged to remember, are first and foremost victims who should be pitied and, hopefully, assisted to escape from the underworld in which they have become entrapped.

This kind of discourse is fuelled, and perhaps rightly so, by statistics regarding the rampant victimisation of sex workers. For example, one study suggested that as many as 12% of sex workers have been raped by the police (Nyembe, Zacharias, Krige, Richter, Tlhwale, & Hunter, 2014); in another study 28% of sex workers reported having been asked by a police officer for sex in exchange for release from custody (Gould & Fick, 2008). There can be no doubt that sex workers are often subjected to victimisation by both clients and law enforcers (Gould & Fick, 2008), including physical and sexual abuse, but also various forms of psychological victimisation. Street-based sex workers are particularly vulnerable to abuse by law enforcement officials and clients (Gould & Fick, 2008), while brothel-based sex workers are vulnerable to abuse by brothel owners. Independent (private) sex workers are less vulnerable to abuse compared to street-based sex workers as they are more in control of their environment, but they are by no means immune from being victimised.

Sex workers are also disproportionately frequently targeted as victims of homicide, sometimes taking the form of serial killings. One such incident occurred in Cape Town in

August 2015 when several sex workers were found brutally murdered (Thamm, 2015). Members of the Sex Worker Education and Advocacy Taskforce (SWEAT) and Sisonke National Sex Worker Movement of South Africa voiced their anger and frustration by engaging in a month-long campaign to raise awareness of the high levels of violence faced by sex workers in the city. I will discuss the implications this kind of demonstration has on collective agency in the face of the most brutal forms of victimisation towards the end of this chapter.

Scholarly work on abuses perpetrated against sex workers serves the function of highlighting disturbing facts around the scope and intensity of the violence visited upon sex workers, but also, and perhaps primarily, serves to perpetuate the never-ending cycle of 'victim talk' in relation to prostitutes. This kind of talk reinforces the idea that sex workers are helpless and have no control of their environment, which ironically, might set them up (at least in the minds of perpetrators) as 'easy targets'. Sex workers themselves can be assumed also at times to internalise the idea that they are vulnerable to victimisation and may in some cases lean towards resigned acceptance as the only way of dealing with their predicament.

Feminist scholars view victimisation of sex workers from two perspectives. Traditional feminists perceive sex workers to be victims of a patriarchal system which exploits and objectifies women. They argue that if the economic and political participation of men and women were equal, it would have been almost impossible for women to be subjected to objectification and exploitation; thus prostitution is simply an extreme form of the exploitation of women. Marxist feminists argue that as with any form of work, sex workers are subjected to victimisation because of the position they occupy in the work hierarchy: If one does a form of work that is not respected (for example, prostitution, domestic work, gardening, or cleaning), one is at an increased risk of victimisation. Both these schools of thought agree that the circumstances that sex workers work under (such as working at night in deserted places and often working alone) present perpetrators with increased opportunities to target sex workers.

The criminalisation of sex work adds to their victimisation in that they can expect little protection from 'the law'. This legal framework is based on popular constructions of sex workers as deviant and as 'having it coming': bad events that befall them could, in this reasoning, have been prevented if they had simply not chosen to engage in prostitution in the first place.

### **3.8. The prostitute as sick and promiscuous druggie**

Many researchers and activists have dedicated their lives attempting to ‘save’ prostitutes who are on drugs. As seen elsewhere in this chapter (and the previous one on the historical discourses of prostitution), some ‘academic’ and ‘philanthropic’ work appear to be based on a crusade to ‘save’ sex workers by converting them from their filthy, unholy and immoral lifestyle to following a healthier, drug-free and responsible path (Steen, Wheeler, Gorgens, Mziray & Dallabetta, 2015). As with much research and activism in other fields, there is also a concerted effort among those involved in the ‘prostitution knowledge industry’ to focus on ‘interesting’, ‘different’ and out of the norm phenomena and to highlight their exoticism without much serious effort to elucidate their actual complexity.

Why is it that so much prostitution research focuses on prostitutes to the virtual exclusion of their clients? Prostitutes draw the eye of researchers, politicians and the public because they are seen as abnormal (and secretly fascinating). Women who in some way stand out are defined as ‘not normal’, especially if it involves their body or sexuality. A recent event at Menlyn Mall in Pretoria (on 22 March 2017) is a classic example. A woman who was ‘scantily’ clad was removed from the mall because her attire was considered to be incongruent with the mall’s dress code policy which is meant to cater to families and their values. The argument put forward by the mall’s manager (who happens to be a woman) was that the mall is open to families (who in most cases have kids) and they (families) should not be inconvenienced by the sight of one woman who is non-adherent to the rules (The Citizen reporter, 2017; Gangiah, 2017). Much of the public commentary on the event supported the mall’s management, but some commentators argued that ‘nothing was hanging out’, and this is simply an example of societal attempts to control women (All 4 Women News, 2017). The two sides of the debate had in common that both were drawn to this instance of embodied female behaviour as worth paying attention to while remaining silent about the subtle forms of coercion and control that shape the behaviour of the hundreds of ‘fully dressed’ (and therefore uninteresting) women who were at the mall at the same time.

Prostitutes are constructed as exotic creatures. The public and researchers are ‘attracted’ to this group of individuals who defy the social mores of sexuality. The questions they ask (or would like to ask) prostitutes are suggestive of fascination (“How is it possible for one to have sex with x number of clients in a single day?”), to moral judgement (“How is it possible

that in this day and age when the HIV is so prevalent one can choose to be so promiscuous?”), to condescension (“What if your children found out what you are doing?”).

Among the questions often directed at sex workers is the issue of drug use. It is generally agreed that there are individuals who become sex workers because they want to maintain their drug use/ addiction; others who use drugs to make the sexual experience bearable; and some who fall into both categories (Chakarova, 2013; Tran et al., 2015). There are also cases of sex workers who are forced to use drugs by clients (Gould & Fick, 2008). These cases are thought to be particularly prevalent in brothels where a client picks (books) a prostitute for a specific period of time and whatever they do is at their discretion (Gould & Fick, 2008).

As with many other phenomena relating to prostitution talk, the drug use discourse is dominated by the taken-for-granted ways in which individuals make sense of whatever they believe in. Since sex workers have already been labelled as immoral, dirty, and troublesome, it becomes superfluous to understand the actual intricacies of drug use in the sex industry. As with all other aspects of prostitution, popular and academic understandings of the role of drugs involve ambiguous and contradictory deployment of the idea of agency and choice: Sex workers are constructed as consciously deciding (but also ‘forced by circumstances’) to use drugs to numb themselves from the horrors of the sexual experience, being forced into drug use by clients (but actively agreeing to comply). Sex workers may be seen as ‘choosing’ to use drugs with clients, but being ‘forced’ to make such choices due to competition in the industry: refusal could mean that she loses her client as he could decide to explore the drug-sex experience with someone else (Gould & Fick, 2008).

### **3.9. Towards a non-binary discourse of prostitution**

In his *History of Sexuality, Volume 1*, Michel Foucault (1978) postulated that the prostitute and the homosexual were constructions of the Victorian Western bourgeoisie of the seventeenth and eighteenth century. Fast forward three centuries and society and theorists are still (re)constructing the idea of prostitution. There are (at least) two competing views on prostitution: Prostitution as a legitimate and acceptable form of employment, freely chosen by women **and** men's use of prostitution as a form of degrading women and causing grave psychological damage (Carpenter, 2000; Jeffreys, 2008a; O’Neill, 2001). In this thesis, I attempt to interrogate these views using historical and current discourses as crafted by the public, academe, civil authorities and sex workers themselves.



In South Africa and elsewhere, sex work is not seen as legitimate work, particularly by law enforcement agencies. This begs the question: What is actual work? Some feminists and writers such as Jeffreys (2008a) and Chateauvert (2013) argue that selling sex is work in the sense that sex workers exchange money for a service, irrespective of whether they chose prostitution or were victims of their circumstances. With the high unemployment rate (at 25.5%, see Trading Economics, 2016) and some sex workers making a reasonable amount of money (Gould & Fick, 2008), it is to be expected that the number of sex workers will increase. Some sex workers call themselves businesswomen because for them sex work is business and they argue that they do not sell their bodies; they sell sex (Pateman, 1999). Interestingly, sex workers, like other workers, make a distinction between selling the act (sex) and selling their bodies (Carpenter, 2000; Jeffreys, 2008b). Conversely, it could be argued that non-sexual service workers do sell their bodies to corporations as much as prostitutes do. A documentary by checkpoint (August, 2015) alludes to the hypothesis that sex workers separate ownership of their bodies from the act of having sex with a client, in that sex workers typically have sex with a large number of clients every day and they could hardly be 'selling' their body to each of them on such a short-term basis. On average, sex workers are said to have sex with seven clients a night (Checkpoint, 2015; Katbamna, 2010), roughly similar to the number of clients an uber driver in Cape Town services in an afternoon.

When exploring and talking about sex work and sex workers, two dominant views become evident: First, sex workers choose to sell sex, and for them it is a choice they consciously make (Choi & Holroyd, 2007). Alternately, sex workers are victims of their circumstances; in other words, they are driven to the sex work industry as a result of poverty and unemployment (Fang, Li, Yang, Hong, Zhao, Dong, Liu, Zhou, Liang & Stanton, 2007). They are forced by their circumstances to sell sex and are victimised by pimps, their clients and the police.

Both these perspectives are problematic in that both lead to an ideological trap in terms of which sex workers are perceived as **either** having agency and free will **or** are victims. In the former case (where they are seen as having a choice), one could argue for decriminalisation of sex work, freedom to choose and a sense of agency. In the latter one could argue that perceiving sex workers as marginalised, facing hardships and oppression could rob them of their sense of freedom, and whenever agency is taken away fertile ground is created for exploitation and victimisation, including by those who pose as rescuers (Ghosal, Jana, Mani, Mitra & Roy, 2013).

The victim ideology, particularly from the traditional feminist perspective, centers on male and patriarchal domination of women. Jeffreys (2008b) argues that the sex of prostitution is not just sex, the work of prostitution is not ordinary work, and prostitution is a 'choice' not for prostituted women, but for the men who abuse them.

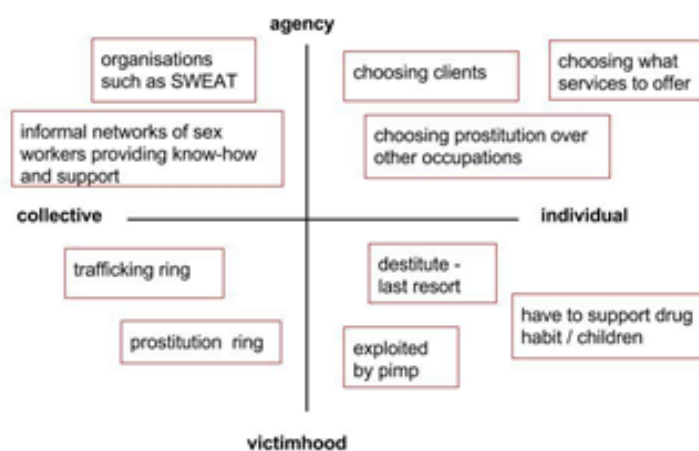
From a social constructionist perspective, sex work is constructed in the dichotomy between the two poles of victimhood and agency – people cannot talk about (or act in relation to) sex work without being pulled towards these two poles simultaneously. Often both 'ordinary people' and academics will oscillate between the two ways of talking, saying apparently contradictory things about sex work in quick succession. At other times people will stick very adamantly to one or the other way of talking (because they present themselves as holding a firm view on the matter), but the other pole will always be silently present as that which is not being said. What is important is not whether people support one view or another, but rather that the two views together create the universe of possibilities that currently exists in and around sex work.

Much as talk and action around prostitution is always already conditioned by the dichotomy of agency versus victimhood, it is possible that certain discursive strategies could be deployed to escape this 'strange attractor'. I consider two such possibilities below.

First, talk around sex workers' risks and vulnerabilities suggests the beginnings of an interesting path over the sheer cliffs of the discursive canyon created by 'agency versus victimhood' discourse. Talk about sex workers' risks and vulnerabilities generally skews towards the victim pole of the discursive landscape, but in an interesting way. Rather than simply painting sex workers as thoroughly helpless victims, it constructs a universe in which they are **potentially** helpless, where their level of risk of falling victim to situations of helplessness is higher than that of other people, and where there are steps they could take to mitigate the risk. Thus, a first possible strategy for softening the victim-agency dichotomy might be whenever possible to talk about prostitutes' victimhood and agency in probabilistic terms rather than as absolutes.

A second discursive strategy might be to extend considerations of agency versus victimhood from the individual to the collective level, thereby opening up some further discursive room for manoeuvre. This is illustrated in Figure 3.3. Sex workers experience victimisation not only as individuals, but are also subjected to the collective victimisation of structural oppression and of oppressive organisations such as human trafficking rings (the bottom left

quadrant of the figure). By the same token they also exercise agency not only as individuals, but also collectively via sex worker organisations such as COYOTE, SWEAT and Sisonke (top left quadrant). By extending the space for talk and action beyond the right half of the figure (where much of the sex worker knowledge industry tends to pin it down), possibilities are opened up for reconstructing both the horrors and the joys of sex work (and thereby perhaps to start understanding all commercial and power relations between men and women more fully).



**Figure 3.3 victim/agency binary**

Sex workers have a long history of organised activism. Chateauvert (2013) describes how sex worker organisations set an example for other civil rights organisations in the United States. In South Africa, SWEAT created a space where sex workers came together to share their stories and fight victimisation by law enforcers and health care practitioners.

The different individuals and organisations that operate in different quadrants of the conceptual space shown in Figure 3.3 use (and are used by) different types of discourses – presumably varying not only in the extent to which they draw on victimhood versus agency, but also in other, subtler, ways. By exploring these discourses in detail it might be possible to identify ways in which discursive features prevalent in one quadrant can be applied in another quadrant in order to try and open up the currently constricted discursive landscape around prostitution.

## CHAPTER FOUR

### FEMINISM AND PROSTITUTION: THE STRUGGLE CONTINUES

#### 4.1. Introduction

The previous chapter provided a brief introduction to feminist perspectives on prostitution. This chapter provides a more detailed discussion of different traditions and approaches within feminism. It is not my intention to proffer criticism of feminism as an ideology or to criticise the “lack of feeling” and post-emotionalism of some feminists when engaging in the debate on prostitution, as suggested by O’Neill (2001). Rather, my intention is to unpack the changing relations between prostitutes and feminists, how feminism constructs prostitution, and how this in turn impacts on the conscious knowledge politics of prostitution.

The early feminist movement worked collectively to fight for women’s rights (Jeffreys, 2004). The hardships women experienced were taken for granted and normalised; and the feminist movement’s ideals were based on interrogating and challenging institutions that oppressed women. Notably, earlier feminists focused more on the political and economic emancipation of women, particularly the right to vote. Second wave feminists’ struggle was more focused on interrogating sex role stereotyping and the sexual rights of women (Coleman, 2009). The feminist movement has no doubt continued to address issues that prevent women to live an autonomous and a fully free life. However, as with any movement, differences in opinions often leads to clash of personalities and in most cases contributes to the rapid decline (and impact), and undermines previous strides made. I will return to this point when unpacking feminism as an ideology.

In attempting to interrogate the discursive patterns of sex work, it is useful to draw on the historical accounts and different perspectives on the idea of prostitution from two distinct yet complementary voices in the sex work field: feminists and prostitutes. I discuss the core dilemma that feminism faces when participating in debates around prostitution; feminism’s status as an ideology; feminism as an epistemology; and feminism as a research praxis. As discussed in the previous chapter, there are different schools of thought within feminism. Each has its own unique understanding of (and positioning relative to) prostitution, and I provide an overview of each of these different ‘voices’. Finally, I touch on how prostitutes position themselves relative to feminists within the prostitution debate.

## **4.2. The feminist dilemma**

The feminist dilemma with regard to prostitution stems from its insistence on using a framework that requires difficult choices and compromises. Feminist approaches to prostitution are, arguably, based on dualism, in particular the victim/agent binary (Carpenter, 2000). What binary thinking about prostitution does is to push (some) feminists into a corner, forcing them to be loyal to a particular position.

Feminists who subscribe to a dualistic perspective on the prostitution debate (irrespective of whether they regard prostitutes as victims or agents) are faced with a disadvantage in that whatever position they take could be interpreted as playing into the hands of the very patriarchal system that they are against. Liberal feminists, who are typically accepting of the institution of prostitution, do so from a human rights perspective. They talk about prostitutes as individuals who have a right to self-determination, freedom of choice and freedom of association (Comte, 2014). As Chon (2015) indicated in her study, those who are less religious and who do not have strong pro-marriage beliefs are more likely to have a favourable attitude towards prostitution. However, their position is often challenged by radical feminists who are of the opinion that liberal feminists are in fact supporting the very patriarchal system that subjugates and objectifies women (Beran, 2012; Davidson, 2002; Gauthier, 2011).

On the other hand, radical feminists are sometimes perceived as bossy and hateful toward men and as lacking in sympathy towards prostitutes (Chateauvert, 2013; Doezenia, 2001). Men are constructed as enemies who invented an unfair and oppressive patriarchal system which is dead-set on abusing women (Farley, 2013; Hanmer, 1990) and who engage with prostitutes as a kind of ritual re-enactment of this abuse rather than as part of some kind of legitimate commercial transaction. This kind of talk in action is seen in the work of feminists such as Jeffreys (2008a, 2008b, 2009) and Farley (2013) who construct prostitutes as victims of this system, but who also implicitly seem to blame the prostitutes for 'playing along', and not being strong enough to stand up to the oppressive system (Farley, 2004; Scoular, 2004). Radical feminists' lack of support for prostitutes as people who freely choose their profession, and talk of prostitutes as helpless victims without agency, has been critiqued by liberal feminists and other researchers interested in the 'feminist prostitution wars' that parallel the better-known 'feminist sex wars' of the 1980s and beyond (i.e., Chateauvert, 2013; Doezenia, 2001; Jenness, 1990; Ramsay, 1997).

The apparent contradiction that arises from radical feminist perspectives on prostitution (i.e., presenting prostitutes as victims but simultaneously implicitly blaming them for being weak and not standing up to patriarchy) is problematic, not only to other (feminist) theorists, but also to prostitutes (some of whom are, of course, also feminists). This is discussed more fully towards the end of this chapter. Feminists in general have been critiqued for presenting themselves as holding overly firm views on the matter (whether it involves foregrounding prostitutes' victimhood or their agency), and not allowing other voices to be heard, including those of prostitutes (Doezema, 2001). However, the silent voice will always be present as the thing that is not being said.

Victim talk in relation to prostitution raises troubling questions such as: Which discursive patterns does victim talk perpetuate? What purpose does it serve and for whom? As seen from the previous chapter, victim talk creates an idea that by virtue of being a victim, prostitutes are helpless and cannot think for themselves. Perpetrators often see an opportunity to exploit them because they are perceived to be weak and helpless. Carrying a victim label is arguably problematic because people have a tendency to always see you as a victim, will often feel sorry for you and will not take you seriously. A parallel example that comes to mind is the discursive positioning of Black people in South Africa. For many years, Black South Africans have been (and sometimes still are) constructed as victims. In part, what this did was that Black people were perceived as weak, exploitable, voiceless; they were spoken for and decisions were taken on their behalf.

Agency talk raises similar questions: Who benefits from such talk? What purpose does it serve and what kind of talk does it perpetuate? The idea of prostitutes as (economic) free agents disguises the myriad ways in which the system is stacked against them as women, (mostly) working class, and providers of a service that is judged as morally reprehensible by a substantial section of society.

Overall, both these types of talk (i.e. victimhood and agency) should be critiqued so as to lay bare the kind of conscious knowledge politics they produce. Instead of attempting to erode and over-shadow each other, victim/agency dichotomies must strive to co-exist and allow for the (re)construction of what prostitution entails and how the sex industry has maintained itself for so long even though certain forms are illegal in other countries. Feminism as a movement and an ideology could benefit from engaging in uncomfortable self-reflection that interrogates reconsiderations and imagery of the complex, constantly changing contexts in which we live in (Fonseca, 2016).

In the previous chapter I argued that feminists and others would do well to abandon binaries and to have the courage not to adopt mutually exclusive positions, but to seek to open up the conversation around prostitution. This paradigm shift could also counteract the ever present habit (not only among prostitutes but academics and intellectuals in general) of silencing and ignoring the voices and discourses of sex workers. Allowing discourses of victimhood and agency to co-exist could create a universe of possibilities around sex work, where it is possible for individuals to be able to say and do what is meaningful to them.

### **4.3. Feminism as an ideology**

As an ideology, feminism has its roots in the struggle for the emancipation of women, in particular the struggle for equal representation in the political and economic spheres (Freedman, 1974; Rubio-Marin, 2014). Feminism also took on the more insidious forms of gender oppression that propagate themselves through an all-encompassing system and ideology of male domination, which feminists labelled patriarchy. After entrenching itself as an ideology that seeks to liberate women from the patriarchal system, feminism also to some extent became a voice for other voiceless groups such as the Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) community, Blacks, prostitutes and poor people (Chateauvert, 2013; Smith, 1979). Prostitutes, in particular, became central in the feminist struggle against patriarchy because they represented the epitome of male exploitation, and would make a perfect group for representation (Doezema, 2001; Jeffreys, 2008b). Later in this chapter, I discuss prostitutes' responses to being 'spoken for' by feminist academics and activists.

The term 'ideology' is used and defined in varied ways, but almost always involves an actively pursued political agenda based on a system of ideas regarding how society functions or should function. Almost invariably, ideologies entail a perceived need to represent a group that is treated unfairly in the current social order. Feminism as an ideology began with groups of women who were not satisfied with the status quo where women were not afforded equal status to that of men (Moses, 2012; Stewart, Lal & McGuire, 2011). Women (White women) began to ask pertinent questions on how women were viewed and treated by society through institutions such as schools, universities, academia, churches and the state (Brandzel, 2011; Smith, 1979). In each institution, women were treated, to a greater or lesser extent, as objects.

#### 4.3.1. The economic and political emancipation of women

Emblematic of how the patriarchal system treated women as objects was the fact that in the 19th and early 20th centuries women in the European ‘democracies’ were not allowed to participate in the most basic of political acts, namely that of voting. The right to vote became a rallying cry for women, called ‘suffragettes’, which rapidly grew to a more general insistence on women’s political and economic rights and gave rise to what later became known as the feminist movement (Kesler, 2002; Lie, 1997; Piscitelli, 2014; Robinson, 2007; Snyder-Hall, 2010).

Women were not included in a wide range of the economic and political decision-making processes that also affected them, and feminism as an ideology had a profound impact in challenging institutionalised gendered roles that excluded women from economic spaces previously imagined as exclusively male. One of the economic and political spheres that was imagined as a privilege reserved for (white) males was that of knowledge production. Male elites in the larger economies tended to control and hierarchise the kind of knowledge to be distributed, and women were almost non-existent in this ‘factory’ of knowledge production, except as secretarial staff and junior students. Of course not all knowledge production followed this male-centric pattern; different sorts of knowledge was produced, but it was deemed unimportant by those in power and was silenced (Dutta, 2011; Luke, 1994).

Some critics of feminism argue whether the call for economic and political emancipation of *all* women was ever genuine. If it was, then sex work would be supported by radical feminists. By its very definition, sex work (including street-based sex work which is the most common type) is a form of work. In most instances, it is an independent type of work, where sex workers are not exposed to exploitation by greedy bosses (the exception being the brothel-type sex work), where they work their flexible hours and where they do not pay tax. It is also true that in some instances, street-based sex workers decide to ‘hire’ individuals who are supposed to protect them. Some call these ‘hired security’ pimps, but according to some street-based sex workers (Street-based sex worker group #1, personal communication, February 11, 2017), these are not pimps because they do not ‘own’ them but merely provide security against dangerous clients. Thus street-based sex workers are not the helpless victims that some might want to paint them as, but neither are they clear beneficiaries of the formal political and economic emancipation of women that was the result of early feminism - their work remains on the margins of the formal economy, and therefore precarious.

The exclusion of women from the mainstream economy is often cited as one of the main reason why women become prostitutes. At a macro-level, structural inequalities have forced



women to explore non-formal economic opportunities such as street-based sex work. This is especially true for women who come from poor socio-economic backgrounds. At a micro level, culture, traditions and social milieus act as stumbling blocks for the realisation of women's potential. A typical example is that of a woman who is 'forced' to marry at a young age and is required to fulfil the role of a housewife. Another example where social milieus could limit an individual woman's potential is an instance where a family is so ravaged by crime, drug and substance abuse that one of them decides to sell sex as a means of survival. There is evidence from the literature on prostitution (through vignettes) that social milieus have had an impact on women deciding to sell sex for a living (Beran, 2012; Trotter, 2008a). A key lesson to be learnt from the history of feminism as an ideology is that formal emancipation (e.g., being granted the right to vote) does not automatically lead to full emancipation in all spheres, but that the struggle has to be taken into the furthest recesses of social life. Again, this parallels the political situation of Black people in South Africa. After the Convention for a Democratic South Africa (CODESA) negotiations, the majority of Black South Africans were 'granted' their right to vote. What this translated to (at least in the eyes of optimists and laymen) was the emancipation of the Black race. Black people who were for many decades voiceless (and silenced), dehumanised and subjected to extreme forms of humiliation, began to see light at the end of a tunnel. A simple system where they could participate in the voting process brought hope to millions of Black South Africans that their extreme poverty would be alleviated. However, after more than twenty years, the majority of Black South Africans are still living under poor conditions. This has prompted a unique kind of revolt, where a growing cohort of disgruntled young people are starting to take matters into their own hands (Commey, 2017). The formation of Economic Freedom Fighters (EFF) in 2013 was based on the realisation that after so many years of hope for the economic freedom for the majority of Black South Africans, it is slowly becoming a pipedream (Nieftagodien, 2015). The EFF and many other South Africans have come to realise that the right to vote does not automatically translate to emancipation in the bigger scheme of things. The right to vote does not necessarily put food on the table. Only an inclusive economy where there is equal and fair access to opportunities for economic improvement would emancipate the masses (Julius Malema, addressing the crowd in Pretoria in November 2016). The first wave feminism (from a sociological point of view) and Black South Africans (from a political point of view through EFF) have one thing in common: they have realised that the struggle continues.

### 4.3.2. Eradicating patriarchy

The term ‘patriarchy’ is often used in feminist circles to signify not only explicit oppression of women by excluding them from positions of political and economic authority, but also the many other ways in which male domination is normalised, and extends itself into all aspects of everyday interaction. Patriarchy becomes visible not only in the number of male versus female parliamentarians, but also in how conversational turn-taking is organised along gendered lines at a typical South African braai, and in the myriad other forms of overt and subtle violence that men are ‘allowed’ to visit upon women.

The concept of patriarchy is so central in feminist thought and mobilisation that it is not surprising that it should also figure prominently in feminist debate and mobilisation in relation to prostitution. Many feminist scholars agree that prostitution represents the logical, abject endpoint of a patriarchal system (Coleman, 2009; Farley, 2013; Jeffreys, 2008a).

However, some ‘militant’ second wave feminists, whose focus centred on the sexual emancipation of women (Coleman, 2009), find it less easy to position prostitution as purely a symptom of patriarchy, since prostitution also in some ways represents transgressive female sexual behaviour. The idea of ‘sexual emancipation’ extended to challenging structural inequalities and institutions such as churches, schools, families, and in a marriage, where discourses flourished that encouraged men and women to think of women as being sexual only in very limited and controlled contexts (Fonseca, 2016; Mesch, 2012). These institutions also served as an apparatus to plant the idea that men are generally superior to women. For example, in schools certain subjects were reserved for boys and others were reserved for girls. Fonseca (2016) reflects on her school years where “carpentry was still restricted to boys and home economics to women” (p. 3). When I started high school in 1995, I vividly remember that the home economics class was exclusively female. It was very rare to find a male in the home economics class, let alone a male expressing his desire to attend the home economics class.

One of the watershed moments in feminist history was the critique and the eventual ‘neutralisation’ of marriage, which is seen by feminists as an institution that promotes gender inequality. Many feminists viewed (and still do) marriage as a means by which the patriarchal system controls women (Auchmuty, 2012; Jeffreys, 2004; Mesch, 2012). After marriage was reduced from being the only acceptable goal for women to being a mere lifestyle choice, women began to find their voice in other spheres such as economics, politics and law (Auchmuty, 2012). In feminist talk, for a very long time marriage was imagined as an oppressive system where women could not express their thoughts and feelings, and where

their behaviour was policed by their husbands, acting on behalf of men generally. This construction of marriage could be argued to imply that women have little control over their situations, thereby ironically casting married women in the same mould as prostitutes - as powerless, meek individuals who cannot challenge and stand up to patriarchy.

#### **4.3.3. Voice of the voiceless**

For centuries women have been silenced and treated as non-existent in academic discourse, knowledge production and in public spaces. When feminism began entrenching itself as an ideology, the emancipation of women was the focal point, and rising up and taking a stand against the patriarchal system was seen as the road to emancipation. In addition to the struggle for women's rights, feminists also began advocating for the rights of the LGBTI community. It would be difficult to call oneself a feminist and be homophobic, because per definition feminism is about campaigning for equality; and in addition, many LGBTI individuals are women. However, women's rights movement have not always been supportive of the LGBTI rights movement (Wilcox, 2006). Historically, some feminists hesitated to support LGBTI rights or rejected women who were transgender. Serano (2016) argues that transphobia is rooted in sexism and transgender activism is a feminist movement. However, over the years, the relationship between feminists and the LGBTI community have greatly improved as feminists increasingly acknowledged that empowerment and gender equity must be for all, not for some. Another reason for the change of heart for feminists was the awareness that there are particular kinds of prejudice and harassment that women who are lesbian, gay, bisexual and transgender face. Failure to support the LGBTI community would have amounted to ignoring systemic injustices and discrimination that many women face. Homophobia extends beyond sexuality; it is also about sexism. Sexism, if left unchallenged could display itself through institutionalised prejudice based on one's sexual preference, not only on one's gender.

The relationship between feminists and Black people, and feminists attempts to give voice to those who suffer from racial oppression, has been similarly complicated. Barbara Smith (1978), for example, criticised White feminists for their ignorance of racism and how it plays itself out in structural inequalities. Black feminists initially focused on reproductive issues, the need for equality in healthcare and the prevention of sexual harassment because it affected women of colour on a daily basis. They further argued that the intersectionality of racism, sexism and class oppression marks a profound difference in how Black versus White women experience oppression (Smith, 1978). The central focus of traditional feminists on the

eradication of sexism and class oppression to the exclusion of acknowledging racism as an inhibitor is self-serving and detrimental to the feminist movement as a whole (Smith, 1979). Another group of people who have been constructed as voiceless and in need of representation, are prostitutes. However, as with other groups seen as partners in oppression, representation came with the danger of misrepresentation. The idea of speaking for the voiceless may have been noble and genuine, but arguably also contributed to the marginalisation of the very people being spoken for. Prostitutes were not afforded a platform to share their knowledge of sex work and offer suggestions on how the sex industry could be 'improved'. Instead, their life stories were for the most part (re)constructed to paint a vivid image of victims who need to be rescued.

#### **4.4. Feminism as an epistemology**

Up to this point I have discussed feminism as a type of politics and as an ontological position - a particular worldview regarding what women (and men) are like. There will always be variation in worldviews. The world is inhabited by diverse individuals with unique experiences, life histories and who were influenced by particular views at particular times. For example, Black and White South Africans who lived during apartheid could 'see' the world in different lenses from the 'born-frees' who grew up during the post-apartheid era. The globalisation of knowledge and easy access to information through social media and the internet has contributed to the kind of knowledge produced and consumed, which in turn impacts on our worldview (De Vos, 2012). Akoojee and McGrath (2011) have argued that as much as globalisation could be celebrated, in a country such as South Africa where the current government is attempting to reverse past injustices, globalisation and socio-political transformation have stood in the way of egalitarianism.

Continuing with the example of apartheid, the older generation who witnessed the might of apartheid laws and how it impacted on their daily movement (and living) could be forgiven for perceiving the world as unjust and Whites as spiteful (and hateful); by comparison, the younger 'born-free generation' often see the world through rose-coloured glasses (Mattes, 2012). However, in recent times, South Africa has experienced a wave of student-led protests across different universities. The general perception is that the students (who are mostly born-free) are beginning to realise that the rainbow nation and utopian state is a pipedream (Subramany, 2015). There is a general awareness that the dawn of 'democracy' in 1994 did not really bring (economic) freedom. The protests are a cry for this generation to be heard and for the governing party to accelerate equal economic participation across races. The

current crop of students' worldview has drastically shifted from a rosy, honeymoon-world to that of inequality which has induced them to rise up against authority.

Similarly, feminist worldviews have shifted how women's place in society is understood globally. Women were constructed and reduced to home-makers, nurturers and emotional beings whose role was only confined to the kitchen and bedroom (Auchmuty, 2012; Bowman, 2014). The suffrage movement and the sex-radical movement challenged dominant ideologies that attempted to reduce women's role in the larger global village.

However, feminists have left a mark not only in challenging the dominant politics and ontologies regarding women's 'true nature' and 'appropriate place' in society, but also in championing a different kind of *epistemology* - i.e., a different approach to where credible knowledge about society comes from (Becvar & Becvar, 2013; Terre Blanche, Durrheim & Painter, 2006).

Ever since the 'scientific revolution' of the mid-1500s, scientific knowledge has hinged on an epistemology of objectivity, which is rooted in the idea of empiricism and positivism (Becvar & Becvar, 2013). This particular way of discovering, constructing and knowing 'truth' has dominated academic writing for a long time. The proponents of positivism have argued that reality is 'something' out there, to be tested and objectified. However, there has been a growing discontent among scholars with this particular way of knowledge construction and production, quantifying human experiences and reducing them to numerical values. One of the epistemologies which was (and still is) against the idea that there is one truth and a single reality is feminism. Feminists argue that conventional science is patriarchal. Knowledge production has for many years been an exclusively male-dominated domain; from research participants (which were mostly white, middle aged males or white university students) to researchers and authors. If and when marginalised groups were considered for research, it was often that they would be guinea-pigs and for a particular hypothesis to be strengthened or disproved, as was often the case for the many studies that were done on Black South Africans during and after apartheid. These studies were obsessed with how Blacks behave in a social context - e.g., the phenomena of toyi-toying and necklacing as explained using theories such as that of 'emotional contagion' (Bornman, van Eeden & Wentzel, 1998; Buur & Jensen, 2004) - but many researchers turned a blind eye to the circumstances under which such behaviour manifested. Although this type of research cannot be equated with crudely racist work that constructed Black people as inferior, backward and lacking (and therefore deserving of being treated as non-humans), the effect was arguably similar in that it positioned Black people as 'the other'.

Alternative epistemologies such as feminism challenge patriarchal science which positions itself as the ultimate truth by taking into account how individual subjectivities are shaped by and give shape to geographical, cultural or other communities. Feminism is concerned with challenging gender stereotypes and how these stereotypes give rise to a particular way of knowing women, which plays itself out in normalised and institutionalised injustices. Feminism as a postmodern epistemology focuses on deconstructing and (re)constructing womanhood, and the first step to this seemingly difficult task would be to create a space for women to speak for themselves. Feminism has challenged so many gender stereotypes such as the idea that a woman is not destined for a leadership position, that women cannot be thriving entrepreneurs and the glass ceiling phenomenon. Importantly, feminism as an epistemology has challenged the dominant scientific discourses that suffocate other voices, and has managed to co-exist among different epistemologies. However, for feminism, it has not been smooth sailing. Among large sections of the general public, feminism has been dismissed as a subjective movement led by disgruntled women who are attempting to cause trouble where there is none.

There is an interesting interwovenness between feminism and social constructionism. Both approaches have had a profound impact on questioning how academia (re)produces knowledge, and both interrogate the power dynamics in knowledge politics. Social constructionism is particularly interested in how knowledge is socially constructed and how this construction becomes embedded in everyday understandings of reality (Terre Blanche et al., 2006; Wood & Kroger, 2000). An example which relates to sex work is the way in which society, through 'taken-for-granted' everyday talk, constructs an image of sex workers as transporters of diseases. In the previous chapter, I mentioned the HIV intervention programmes developed by the South African government, which, at face value, are well-meaning and innocent, but at a deeper level equates being a sex worker and being HIV positive. This assumption is so pervasive in prostitution discourse that very few are interested in interrogating its roots. Some of these studies are based on the assumption that sex workers are at 'high risk' in comparison to the general population (see Abdirahman, Ndege & Walekhwa, 2017; Moayed-Nia, Naserirad, Badie, Ghorbani, & Mohraz, 2014; Nuttbrock & Hwang, 2017; Raza, Ikram, Saeed, & Waheed, Kamran, Iqbal & Abu Bakar, 2015), but there is typically no measurement of what constitutes high risk in both samples (i.e., sex workers and the general population). Sex workers are labelled as high risk based on the assumption that they have sex often and with different clients. However, they do not have sex by themselves - their clients come from the 'general population'. Current HIV and TB

prevention ‘interventions’ directed at sex workers are arguably making the same mistake that the Contagious Diseases Act of the 1800s and other historical interventions made, which is to label prostitutes as a problem while conveniently ignoring the people who could also be vectors of the disease: the clients. In Psychology and other social sciences, one of the primary approaches to doing social constructionist work has been discourse analysis. Discourse analysts postulate that “meaning is not static and fixed, but it is fluid, provisional and context dependent” (Coyle, 2007, p. 98). What we know about women is largely dependent on how they were historically constructed, based on the particular cultural context of the time. The same argument could be applied to prostitution. Prostitution as it is currently known has been socially constructed over centuries (as seen from previous chapters on history of prostitution and the idea of prostitution). From the Ancient East to the 21<sup>st</sup> century, prostitutes have been (re)constructed over and over with fluidity, but there were certain key themes persisting over centuries.

Discourse analysis provides a practical means for feminist and social constructionist researchers to interrogate how particular accounts are constructed and made to seem factual and objective without questioning the source. Discourse analysis focuses on language (broadly defined) as the locomotive through which collective realities are constructed (Coyle, 2007). Everyday talk is examined to show how this talk creates systems of expression, routinised behaviours, and social institutions, which can collectively be labelled ‘discourses’, and which in turn influence how people produce ‘everyday talk’. In other words, how people talk is influenced by the very same discourses which were previously created by such talk, and which strengthens the dominance of that discourse in other individuals’ talk.

Although I have here depicted feminism as unequivocally social constructionist in approach, there is some disagreement on the nature of the relationship between feminism and social constructionism. Some scholars argue that feminist work is interpretivist in that it is interested in understanding the world via the subjective experiences of women, but not necessarily social constructionist in the sense of understanding the subjective experiences as the product of (and feeding into) larger social discourses. In addition, social constructionist analyses can be deployed in relation to any phenomenon in a value-neutral manner, whereas feminism is in the first place interested in the wellbeing of women and only secondarily in epistemological and methodological issues regarding how they should be understood (Collins, 2004; Haraway, 2004; Harding, 2004; Smith, 2004; Smith, 1990). Unlike social constructionism generally, feminism operates as a ‘standpoint epistemology’ (Hartsock, 2004; Smith, 1990). Standpoint epistemologies are based on the premise that marginalised

people, by virtue of being positioned on the margins of society, are better able to recognise the injustices and falsehoods of the status quo (Hartsock, 2004; Smith, 2004). In order to properly understand how society functions, and then to act against social injustice, it is therefore necessary to *start* academic and other enquiries from the life worlds of marginalised people. The immediate aim is to empathically understand these life worlds, but the broader intention is to use that perspective to better understand how the status quo is put together. Criticisms of feminism as ‘targeting’ marginalised people such as prostitutes for the sake of rescuing exoticised others may have element of truth, but should be seen against the backdrop of feminism as a standpoint epistemology. Feminism is founded on the assumption that oppressed groups such as women in general and marginalised women such as prostitutes in particular are better able to ‘see through’ the self-serving ways in which powerful groups (such as white men) go about constructing social realities. Feminism is not exclusively concerned with the interests of women, but through its focus on women (and additionally marginalised groups of women such as prostitutes) interrogates larger societal structures (economics, politics and knowledge production) and how these impact on the lives of everybody at micro and macro levels.

#### **4.4.1. Creeping essentialism**

Feminists argue that pre-feminist ways of understanding women were essentialist (Wong, 1999), i.e. all women were assumed to have universal and fixed qualities as a result of their fundamental biological identity as females. Specifically, women were constructed and ultimately understood as nurturers, emotional beings, and helpmates, and their role was consequently confined to private spaces (Carpenter, 2000) with the kitchen symbolic of their biologically determined domain. This paved the way for institutional discrimination against women, because they were seen as not belonging in public spaces such as in work environments (Frost, 2011).

In opposition to the essentialist view that sought to pin women down in private spaces, feminists espouse a more fluid and open-ended perspective on female identity as not purely biologically determined, but socially and politically malleable. Being a woman (and being a man) is not a life sentence, but is to be positioned in a particular place in a larger historical and political struggle.

However, despite feminism’s broadly anti-essentialist stance, some feminists have leaned toward essentialist talk (Wong, 1999), especially when engaging in debate about prostitution. Essentialist claims about the ‘intrinsic’ nature of sex work (whether oppressive or liberating)



clash with the reality of variation in sex work (Weitzer, 2010). No two women are the same and sex work is diverse. Many feminist authors in effect take an essentialist stance by over-emphasising certain perspectives on prostitution and unequivocally rejecting contrary views, or using dismissive language, as seen for example in Farley's (2013) and Jeffreys (2009) criticism of liberal feminists' understandings of prostitution. Feminist writings often fail to do justice to the nuance and complexity of the subject and to interrogate the taken-for-granted meanings that dominate prostitution talk. However, to some extent third wave feminism does attempt to deal with this polarisation and partisanship by incorporating both radical and liberal voices (Coleman, 2009). The 'creeping essentialism' that results from polarised perspectives undermines feminism as a movement and does not seem to serve the interests of prostitutes themselves.

Overtly or covertly essentialist perspectives on prostitution are often deployed in support of the need to advocate on behalf of prostitutes. Some critiques of feminism focus on feminists eagerness to represent others. For example, Doezenia (2001) argues that there is some romantic fulfilment to be derived from standing up for the voiceless (prostitutes), which for many decades has been an albatross for feminists. Prostitutes have become agitated with the feminist stance which basically shuts down the former's voice (Chateauvert, 2013; Desyllas, 2013), renders sex workers helpless and result in their being labelled as victims.

The phenomenon of rising up against people who seem to 'fight' for 'vulnerable' groups is not only found in prostitutes-feminism circles. The Pan African Congress (PAC) movement which 'broke away' from the ANC critiqued the role played by the White liberals in the liberation struggle. Just like Black Consciousness (BC), the PAC felt uneasy about how liberals were provided a platform to talk on behalf of Blacks and ultimately silencing the voice of the masses (Pogrand, 1990; Hook, 2016). Robert Sobukwe was widely renowned as a Pan Africanist whose ideology was driven by the principle of non-racialism (Delpont, 2016; Dladla, 2014; Hook, 2016). However, in his early writings, he became agitated about the ANC's increasing tolerance of liberal Whites speaking on behalf of Black people. He went on record that he does not have a problem with White people joining the movement and fighting against apartheid, but that his concern stemmed from the increased vocalness and prominence of Whites relative to the obscurity of Blacks who had formed the movement in the first place. As seen in Chapter 2, one of the watershed moments for prostitutes was their invitation to a conference organised by feminists in order to address the 'problem' of prostitution (Chateauvert, 2013). Different presenters (mostly radical feminists who were against prostitution) took to the podium, repeatedly talking about prostitution as wrong and a

draconian patriarchal institution meant to subjugate women. Prostitutes were constructed as mere hapless and helpless victims who were coerced into prostitution and who were in urgent need of rescue. What those feminists did not prepare for was the backlash from the ‘helpless’ prostitutes. Prostitutes became angry that they were spoken for as if they were not present, despite the fact that conference organisers invited them. It was also clear to them that their trade was undermined and that their autonomy and professional identity was being questioned (for a detailed description of what transpired during the conference see Chateauvert, 2013). Anti-essentialism is at the heart of feminist thinking and action, but the movement has shown itself to be susceptible to a kind of creeping essentialism, where radical or liberal positionings harden into certainties that impede understanding of the intricacies of the sex industry, with its diverse social structures and personalities and unique histories.

#### **4.4.2. Postcolonialism and feminism**

Postcolonialism is a theoretical approach that is concerned with the interrogation of the cultural legacy of colonialism and imperialism (Whitlock, 2015). Postcolonial thinkers focus on interrogating the colonisers’ discourse and history which attempts to distort the experiences and life histories of colonial subjects with the aim of silencing local voices and exerting control (Tyagi, 2014). Challenging colonial history and the dominant discursive patterns that shaped the understanding of local people could be fruitless if local people do not reclaim their identity and rewrite their history the way they know it. However, as Tyagi (2014) argues, for postcolonial feminists, their struggle is complicated in that, as women, they suffer from double colonisation: they have experienced oppression from colonialism and from patriarchy. Feminists’ long-held position that men are the problem also puts postcolonial feminists in an awkward position in relation to ‘colonised men’ in that they are obliged to acknowledge that colonised men were also victims of this colonial rule and that their histories were also distorted for the ultimate aim of controlling them.

Post-colonialism postulates that the damage done by colonialists and imperialists on their colonies is far reaching and continuous (Tyagi, 2014). The damage that colonialism left behind is more than a matter of economic and political disenfranchisement, but also manifests psychologically. The British, French, German and Portuguese colonisation of Africa, it has been argued, created ‘orientalised’ subjects (Bush, 2014; Said, 1978) who internalised the idea of being an exotic ‘other’. Theorists, such as Frantz Fanon (1952) have described how Africans were not only orientalised but also ‘negritified’, i.e. positioned as the ‘negro other’,

and how postcolonial subjects still have to struggle with an internalised vision of themselves as inherently inferior and deserving of being dominated by the West.

The psychological damage done by colonialism hinges not only on internalising a self-identity as an exotic and negritified other, but also on a sense of historical injustice that has not yet been righted. As a result, the ethics of colonialism - in short, how Black people were dispossessed of their land (Lahiff, 2014; Turner, 2016) - still leads to heated arguments. Recently, for example, the former leader of Democratic Alliance (DA) and the premier of the Western Cape, Helen Zille, was investigated by the South African Human Rights Commission (SAHRC) for tweeting that colonialism was not all bad. She argued that colonialism brought light to Africa, that the infrastructure was improved, and that Black people gained access to facilities such as piped water - all as a result of colonialism. Her exact quote as published by News 24 on 22 March 2017 is as follows: "*For those claiming legacy of colonialism was ONLY negative, think of our independent judiciary, transport infrastructure, piped water etc.*" She went on and tweeted: "*Getting onto an aeroplane now and won't get onto the wi-fi so that I can cut off those who think EVERY aspect of colonial legacy was bad.*"

What is interesting in Zille's statements, from the point of view of post-colonialism, is the impact that colonisation has left in the minds of the colonised (and of the descendants of colonists) long after it was scrapped. Colonisation, imperialism and apartheid cannot be understood from a simple physical perspective, and in that sense Zille's cataloguing of the benefits of colonialism smacks of wilful 'epistemic ignorance' - 'neutral facts' such as those she lists exist in the contexts of continuing outrage about the injustice that was done, and the continuing destructive impact of colonialism on the psychological well-being of Black people (and, arguably, of White descendants of colonialism such as Zille herself). Zille has projected herself as a liberal who fought against apartheid, which implies empathising with Black people (Chalklen, 2015; Mouton, 2005), but then speaks as if Black people's feelings about the aftermath of colonialism are merely an impediment to a true, balanced understanding of what colonialism was 'really' like and 'really' contributed.

When the Europeans landed in South Africa, they came with their ideas, epistemes, ways of living and doing things. It is also fair to acknowledge that South African inhabitants also had their way of living and doing things. Different nations have their own way of living and of doing things, but colonialism brought about the slow erosion of indigenous ways of life (Bush, 2014; Rakodi, 2014; Thompson, 2001). The British and Afrikaner settlers and the Zulus were, for example, often involved in conflict because of political and economic

rivalries (Knight, 1995), which ultimately resulted in forced removals of indigenous people to inhabitable locations. For example, in KwaZulu Natal and the Eastern Cape, the fertile land, closer to the ocean was reserved for Whites while the natives were forcefully moved to mountainous and dry areas (Skelcher, 2003). When colonialism eventually came to be understood as a 'human rights' violation, and the process of decolonisation began, most colonists announced their departure from the colonies, but did they really leave? In a physical sense most did, but their ideologies were already entrenched in the psyche of the colonial subjects. South Africa specifically became a bedrock of institutionalised segregation through the formalisation of apartheid policies.

Within the broader context of colonialism and the postcolonial period, one also needs to consider the treatment of women (both Black and White), and specifically how they were treated by Westerners (in this case I am generally referring to Whites) versus how women were treated and perceived in the traditional family, community and society. Oyewumi (1997) argues that within an African context women were never talked of as little, and that women were not exploited, subjugated and excluded from important (political and economic) decisions that affected the community or the nation. In the pre-colonial era Black women (individually and as a collective) had much political and social power (Kiguwa, 2004). For example, Mkabayi ka Jama, who was Shaka's aunt, occupied a very powerful position in the Zulu nation. Before Shaka could take a political or even a personal decision, he consulted and sought counsel from Mkabayi (Shamase, 2014). Other nations such as the Balobedu also have very powerful women such as Modjadji, who are treated with utmost respect (Mulaudzi, 2013; Rankoana, 2016). The VhaTsonga people have a powerful socio-political leader in their midst, Hosi N'wamita, who is well-respected (Mtshiselwa & Masenya, 2016). The Venda nation also has a Makhadzi who is highly respected because she is viewed as a custodian of cultural practices and indigenous knowledge (Matshidze, 2013; Matshidze & Nemutandani, 2016). The Sotho (Batlokoa) nation had Mantatisi as a powerful figure who reigned during the time of Shaka Zulu (How, 1954; Rapoo, 2013). The Queen Mother of the amaSwazi, Labotsibeni Gwamile Mdhluli, and the Asante Queens of Ghana are some examples that indicate that women played significant roles in their respective socio-cultural and socio-political contexts (Masenya, 2014).

The construction of African women as historically disadvantaged, exploited and excluded is a colonial imagery (Masenya, 2014). African women in general were provided and treated with much respect in their families, community and in the society. However, I am cautious of arguing that African women were equal to men and treated with dignity by using examples of

powerful individuals to strengthen my position. This could be attributed to the fact that most African history and what I know has been passed to me through the oral tradition and growing up in exclusively Black communities (plural because I was nomadic). I have personally witnessed the level of respect that is afforded to women. The idea of women as voiceless, as objects, could hold some truth but my point is that in African families, communities and society women were afforded respect, a voice and lived in harmony with their male counterparts because there was mutual understanding and respect between men, women and children. To this day, I witness the respect and high regard that my grandmother is treated with. It could be that she is old (93 years), but my elders narrate that women have always been treated with respect and dignity. They also encourage the younger generation to remain respectful of their elders and to treat women with love and respect.

Going back to feminism as an epistemological approach, it has been proven time and again that different epistemologies have maintained their status quo, reinvented themselves and in some cases, disappeared from the limelight and academic discourse. Feminism is one epistemology that has maintained its position which centres around equality between men and women. However, in appreciating how feminists have remained 'true' to their initial position, it must also be acknowledged that feminists have shifted their focus to include relevant and pressing societal issues. For example, from the suffrage movement to the sexual emancipation of women, to equal economic opportunities, to #fees must fall, feminists have remained relevant but also true to themselves by not abandoning their focus, which is the emancipation of women. When the #fees must fall movement began dominating the public discourse, feminist-identifying women were at the forefront of mobilisation.

Women such as Nompandolo Mkatshwa and Shaeera Kalla were at the forefront of the #fees must fall movement at the University of Witwatersrand, which culminated in the countrywide students protests. Although these two young women identify with women's issues, they managed to intertwine their ideologies with the fallist movement. The online campaigning movement Amandla.mobi, which focused on feminist issues in its early campaigns, also identified with the students' struggle, and has over the years managed to stay relevant by advocating and mobilising against issues that affect ordinary South African citizens such as Nkandlagate (the scandal on how the renovations of the former president of South Africa, Jacob Zuma, Nkandla homestead was reportedly quoted to be around 246 million South African rands) Nenegate (a moment when the then President of South Africa, Jacob Zuma fired Nhlanhla Kunene who was the minister of finance, without providing a detailed justification of his decision. He then replaced him with Des van Rooyen who only lasted less

than a week after a public outcry) , Eskom wasting money, and the Gupta-isation of South Africa – which later became known as ‘state capture’, to mention but a few (Makatile, 2016). Feminism as a movement has never been shy to fight against ‘authority’ as evidenced in the recent event of women who displayed their breasts in defiance of authority (Ngcobo, 2016). The four Black women confronted police who kept intimidating and firing stun grenades and rubber bullets at students during the #fees must fall strike at the University of the Witwatersrand. As they sang *senzeni na* (meaning “what have we done?”), they flashed their breasts at the police with the intention of getting a message across that as women (students and powerless), even though they will always be subjugated, intimidated and their bodies imagined as worthless, they remain defiant. Their bravery earned them respect but also ridicule. Skhumbuzo Hlophe (popularly known as Skhumba) who is a comedian made fun of the women’s breasts saying things such as that they should not display their flappy breasts in public; however, he was forced by his employer (Kaya FM) to apologise (Mashishi, 2016). The way the public interpreted the women’s behaviour was two-fold, which provides a glimpse into how women’s behaviour has been constructed as a ‘private thing’. First, many felt that women are not supposed to display their breasts (which is embedded with their identity) in public because their bodies are private (and supposed to be hidden for a special someone- preferably a male). Second, some members of the public supported the women’s action, and understood it as powerful precisely because it broke the taboo of displaying the ‘private parts’ of a woman’s body only to men with whom they are in an intimate relationship with.

There is no doubt that feminism has contributed immensely to the debate on postcolonial thinking, women’s rights, equality and advocating for the voiceless. However, one of the critiques often directed at feminism in general is that some feminists treat their epistemology as their exclusive property. Men who attempt to conduct studies with (and on) women using a feminist lens are treated with suspicion because they represent the very same system that has subjugated women for millennia. Critiques of feminism by men are not taken seriously, because men are always already constructed as the enemy. Feminism is treated as ‘a women’s only’ movement which caters for women’s issues; men would never understand what it is like to be in a position of a woman structurally.

## **4.5. Feminism as research praxis**

### **4.5.1. Research that concerns women**

Feminism is concerned with issues of gender and women's oppression. More so, it interrogates how gender as a social construct is used by the patriarchal system as a tool to oppress women (Kiguwa, 2004). Whichever form of feminism (i.e., radical, liberal, Marxist, or African feminism) one adopts for research purposes, the central question is the oppression of women and how it should be addressed. Feminism's effectiveness as a research paradigm has been strengthened by the interrogation and rejection of traditional and mainstream research that claims to be objective, empirical and value-free. The relevance of feminist-driven research has been strengthened by the focus on women's (gendered) narratives and on research that is relevant, participatory and action-oriented. Feminist research that is socially engaged impacts on the practical realisation of ideas. For example, Segalo (2012) worked with women who continued to be impacted by apartheid policies long after the formal demise of apartheid. She argued that the Truth and Reconciliation Commission (TRC) failed to reach out to ordinary South African citizens who were affected by the segregation policies and limited opportunities for Blacks in general. Her work was engaged and it allowed for her participants to tell their stories through embroidery, with the hope of facilitating the healing process. This kind of research is not just 'one of those' where academics conceptualise ideas and remote-control them from their ivory towers. The type of research that receives recognition and respect from 'laypeople' is research that touches people's hearts and souls. Feminist research has nevertheless often been criticised for lacking feeling when tackling issues that affect prostitutes (O'Neill, 2001). Some feminist studies approach research on prostitution with a 'know-it-all' attitude which eventually silences those most affected, the sex workers. Sex workers have been attempting to speak for themselves for decades but in too many cases, their voice is not heard (Chateauvert, 2013). They have been the object of fascination, intrigue and exploitation as some researchers tend to position themselves as caring, but then silence sex workers' voice. Research on, and with, prostitutes becomes even more tricky when conducted by a male researcher claiming to be working from a broadly feminist perspective (Bain & Nash, 2006). Male researchers interested in women's issues are treated with some suspicion, and this attitude is possibly even more noticeable in the case of men doing research on sex work.

#### **4.5.2. (Male) researchers as suspicious characters**

Male researchers who are concerned with and interested in women's issues are treated with suspicion by feminists and, to an extent, by women in general (Delmar, 1986; Letherby, 2003; Rubin, 1989). I previously experienced an unhelpful attitude from women in managerial positions when I requested permission to conduct a study on women who had recently given birth. The idea was to have a conversation with mothers a few weeks after giving birth. I was eventually provided with the go-ahead after many back-and-forth conversations which were dominated by 'why are you interested in women issues?'. This experience taught me that being a male researcher who is interested in women's issues is not always easy. Inevitably, there is some resistance to a man wishing to enter an academic 'zone' in which it is believed that the key issues can only be fully understood by women themselves (Delmar, 1986; Letherby, 2003). As a male researcher, I am an 'enemy' because I represent a patriarchal system which is intent on making women's lives unbearable. Ashe (2007) argues that the root cause of seeing male researchers as enemies lies in the problematic view of constructing men and women as distinct 'epistemic communities'.

As a man doing research on sex workers I often feel compelled to explain exactly why am I interested in (female) sex workers. However, I do not experience resistance from sex workers but from the so-called gatekeepers. Another dilemma I often experience (since talking with sex workers has been an ongoing process since 2012) relates to the dual role I could possibly play. On the one hand, I am a researcher who is caring enough (and inquisitive enough) to listen to sex workers' stories; on the other hand, I am a potential customer. Clearly explaining one's role and purpose in approaching a sex worker is not easy, but it gets better with more exposure (and experience). I am often cognisant of not offending sex workers by dismissing their overtures outright, but always attempt to reveal the real purpose of my interest as soon as possible. The challenges of conducting research with individuals who one is not familiar with and also not sharing similar experiences is not restricted to the sex work field.

An all too familiar instance is the impediment experienced by White researchers who conduct research in townships where Black people reside. The former are often treated with suspicion at first. White researchers conducting research on and with Black participants enter into a wider contestation regarding a perceived historical propensity for Whites to arrogate to themselves the right to speak on behalf of others. Some politicians such as Julius Malema, who is the leader of the Economic Freedom Fighters, are quite direct in saying that they will never allow White people to speak on behalf of Black people because they do not know and cannot identify with their struggle and poverty.



Another challenging context to conduct research or community work in is the HIV/AIDS field. HIV negative individuals often encountered difficulties in offering counselling services to HIV positive individuals back in the day. HIV positive individuals thought the former could not offer them counselling because they have ‘no idea’ how they feel and have not personally experienced the pain that accompanies being HIV positive. Individuals who experience hardships and who have been the subject of intrigue often perceive themselves as guinea pigs (Lemmens & Elliot, 1999).

Historically feminism has been traced to the Western world and as a consequence, carries the burden of being seen as a White people’s ideology. Black scholars and researchers who subscribe to feminism are often at pains to justify why they use a Western ideology to understand local conditions. One of their arguments is that feminism as an ideology represents women at large irrespective of colour. A patriarchal system does not see colour in its evil ways of suppressing and subjugating all women. However, as some scholars (Mama, 1995; Oyewumi, 1997) have argued, there is no conclusive evidence to indicate that African women were subjugated and oppressed in pre-colonial times. African women had political impact and were regarded highly in social spaces. African feminism has come to the fore to argue that African women should strive for empowerment on their own terms because historically they were powerful (Kiguwa, 2004).

#### **4.5.3. Participatory Action Research, feminism and prostitution**

Participatory Action Research (PAR) emphasises participation of local communities in the decision making processes that affect them, including how research projects are conducted (Glassman & Erdem, 2014; van Vlaenderen & Neves, 2004). In the field of Psychology, PAR is deeply rooted in Community Psychology where the focus is on the psychology of collective experience instead of on a more individualist and intrapsychic perspective, which is typically the focus of mainstream psychology.

The two pillars of PAR are participation and action, and it is therefore not surprising that it has been enthusiastically adopted by feminist researchers since feminism is action-oriented and emphasises the importance of people (especially women) having a say in matters that affect their lives. O’Neill (2001) emphasises the implementation of a ‘politics of feelings’ in how feminism should adopt the principles of PAR, which involves being open and sensitive to the emotional dimensions of participants’ experience, for example as marginalised individuals. However, feminists have been criticised for a lack of sensitivity and for not allowing prostitutes to participate in the prostitution debate (Chateauvert, 2013).

Consequently, sex workers have had to endure embarrassing moments when they were relegated to being spectators in the ‘game’, they (presumably) know how to play. Feminism and other theoretical paradigms have arguably failed to understand the world of prostitution from the perspective of prostitutes. Granted, most feminists have noble intentions and would want to see prostitutes afforded dignity as human beings. However, their aloofness, non-communication and non-collaboration with prostitutes has created a ‘cold war’ wherein their noble cause is greatly undermined by their negative attitude towards prostitutes. I may seem to bash feminism but I am merely indicating the negative feelings of prostitutes towards feminists (Chateauvert, 2013). Another point to be clarified is that, as indicated earlier, there are many ‘pocket’ ideologies within feminism and therefore not all feminists fall into a category of being unwelcoming to prostitutes. For example, Van der Meulen’s (2011) work with a Canadian sex workers’ rights organisation in which she was at pains to ensure that the research was done *with* sex workers rather than *on* sex workers.

#### **4.6. Feminism, prostitution and sex**

Feminism is generally perceived as the organised movement that fights for equality between men and women in political, economic and social spheres. Feminists’ conviction is that women are oppressed simple as a consequence of their sex and gender, based on the dominant ideology of patriarchy. Feminists believe that ridding society of patriarchy will result in liberation for women, men, and minorities such as LGBTIQ people (Ortner, 2014, van der Gaag, 2014).

Irrespective of whichever feminist position one adopts, prostitution is often constructed as the ultimate consequence of patriarchy and the subjugation of women (Robinson, 2007; Scoular, 2004). This construction is at times problematic as it constructs sex workers as powerless, helpless individuals who have no control over their circumstances. Viewing prostitution simplistically as a linear outcome of patriarchy is problematic as it ignores the complexity and diversity of “the structures under which it materializes” (Scoular, 2004, p. 343).

As feminism evolved, feminists began developing varying perspectives on what prostitution (and being a prostitute) entails. Three main camps of feminists that have contributed to the prostitution debate can be identified: radical feminists, Marxist feminists and liberal feminists (Weatherall & Priestley, 2001). In addition, I will also touch on how critical race feminism and Black feminism perceive prostitution and sex in general. Feminists have often made their stance on prostitution as a social evil well-known, as seen from this quote:

Prostitution is a commodified form of violence against women, a last-ditch survival option rather than a job choice. The lies that prostitution is a victimless crime, that she chose it, or even that prostitution isn't really happening at all – enable people to avoid the discomfort of knowing about the brutal realities of prostitution. And sex businesses rely on social, political and legal denial of denying the harms of prostitution (Coleman, 2009, p. 370-371).

From Coleman's perspective, there can be no debate regarding whether prostitutes should be perceived as agents or as victims. Prostituted women do not have agency: In an ideal world, where all men and women are equal, no woman would choose to be a prostitute. Coleman dismisses the position that prostitutes have agency in choosing their professions as ill-founded and harmful to women's struggles. Those who say otherwise are projected as denialists because, according to Coleman's type of feminism, sexual exploitation is rife in the sex industry. Coleman (2009) pleads with feminists who believe that there is some choice involved in becoming a prostitute to change their attitude and to accept that prostitution is a form of sexual violence with far-reaching consequences for sex workers such as psychological distress and physical ill health. This kind of talk has the effect of polarising the debate and demonising contrary voices, as seen from Coleman's assertion that "a pseudo-feminist speaker who was employed by the sex industry's Eros Foundation spoke instead about prostitution as sexual freedom" (Coleman, 2009, p. 375). According to her, one cannot call oneself a feminist or take a feminist stance and then affirm prostitution. Coleman's analysis is typical of the radical feminist perspective which postulates that prostitution is a form of structural sexual violence against women.

#### **4.6.1. The radical feminist perspective**

Radical feminism is one of the most prominent (and feared) branches of feminism in the prostitution debate. The language used by radical feminists is hard-core; by this I mean that according to them the issue of prostitution is non-debatable. It is the ultimate form of sexual violence against women: men, are guilty of subjugating women and nowhere more so than when they turn them into prostitutes. From the buyers of sex to the sex industry in general, men are to be blamed for procuring sexual services from downtrodden and unwilling women (Jeffreys, 2008a, 2008b). When radical feminists shift their focus to prostitutes, they sympathise with them. However, the constant implication is that prostitutes are too weak, too compliant, and therefore need to be rescued. In a nutshell, radical feminists overtly blame

both men but covertly seem to blame prostitutes for sustaining the sex industry to the detriment of women.

Radical feminists are against prostitution; for them it is fundamentally wrong and is emblematic of coercion and sexual subordination (Jeffreys, 2008a, 2008b; Walkowitz, 1980b). Every form of prostitution is seen as deviant, an act of sexual violence, a form of abuse against women (all women in general, not only sex workers). Prostitution is the ultimate form of exploitation by a patriarchal society (Barton, 2002; Beloso, 2012).

Within prostitution, there are different types and classes; women of colour and those who are economically marginalised are often reduced to slaves who should service men (Farley, 2013; Jeffreys, 2008a, 2008b; Pateman, 1982). However, not all prostitutes are in effect enslaved and it is problematic to reduce all women who sell sex (and by extension all women) to hapless, helpless, non-thinking individuals who do not have autonomy. Pro-prostitution liberals, who accept that some sex workers have a degree of autonomy, are accused of being disloyal to the feminism cause; instead of dismantling the institution of prostitution, they are accommodating to it. From a liberal feminist perspective, radical feminists can be accused of being essentialist, and of adopting a 'one size fits all' approach in that their claim of prostitution as the epitome of male domination is universal, trans-historical and applies to all women (Weitzer, 2005). Nevertheless, radical feminists' perspective still seems to dominate the prostitution discourse.

Sexuality is often constructed from the point of view of a man's sexuality (with the emphasis on white males); the black male, when he does feature in talk about prostitution and sexuality, is constructed as an animal, who is oversexed and cannot control his urges. Black feminists (and to a lesser extent some white feminists) critique this racial stereotype because it portrays their Black brothers as sex animals who will do anything to satisfy their sexual desires, including raping their sisters, mothers and daughters. Radical feminists do not always recognise this racial dimension to how men are judged as sexual oppressors of women.

Moreover, radical feminist perspectives on commercial sex could be argued, ironically, to draw on the biomedical model of sex. The main critique of the biomedical model is that it tends to construct sexuality as universal, intrinsic and natural (Basson, 2000). Wood, Koch and Mansfield (2006) offer a feminist critique of the biomedical model as being based on certain premises that silence the woman's voice and her participation in the sex act. These premises are: The use of male sexuality as a standard, the use of a linear model of sexual response, biological reductionism, and depoliticisation of sexual desire. Central to the feminist stance on sexual matters is to give credence only to understandings of sexuality that

are of, by, and for women (Koch, 2004). Irrespective of one's (feminist) ideology, the emphasis should be placed on women's sexual experiences and how they interpret the cultural frame that constructs the idea of female sexuality.

The biomedical model has a tendency of viewing only heterosexual impulses as normal. One of the problems of constructing an idea of sexology from a gendered and heteronormative perspective, is that the sexual desire is only understood from the male perspective. For a sexual experience to be meaningful and complete, from a traditional biomedical perspective, a man must be aroused and aroused more (excitement and plateau phases), reach an orgasm and then for his bodily functioning to 'return to normal'. Everyday constructions of sexual experience as essentially a male phenomenon often plays itself out in advertisements that centre on the healthy, sexually functioning male (as for example in adverts for men's clinics, Viagra and more). Women's sexual health is really of no concern (and if there is some concern, it is based on the pathological ideology). Some researchers (Basson, 2000; Wood, Mansfield & Koch, 2007) have critiqued the original sexual response cycle developed by Masters and Johnson (1966) because it does not take into account women's lived experiences (Basson, 2000; Basson, 2002; Wood et al., 2006; Wood et al., 2007). They argue that the sexual response cycle is strongly affected by the psychological well-being of women and how they feel toward their sexual partner at that particular moment.

The linearity of the sexual response has also been critiqued by radical feminists, particularly because it is based on the notion of males as central figures in the sexual response process, thereby relegating females to mere participants whose role is to serve and please men. Basson (2000) argues that the linearity of the sexual response cycle is problematic because it does not take into account experiences of women. A sexual encounter is often intertwined with emotions. She argued that for many women, the sexual desire (arousal/excitement) is not a precursor for later stages (i.e., excitement and orgasm), but an end in itself.

The construction of women as emotional beings is not new, and some researchers (Carpenter, 2000) argue that in the case of sex workers, they are able to separate their emotions from their body (i.e., a sexual activity which could be perceived as undesirable) and this is why a sex worker is able to have sex with many men without feeling bad or feeling any attraction to the men. If sex workers are indeed able to separate their emotions from their immediate task (i.e., engaging in sex with a client), could we then talk on their behalf and imagine prostitution as an emotional form of violence (in addition to the sexual violence that may occur). Is the out-of-body experience a phenomenon that is prevalent in the sex industry? How is it possible then for some sex workers to develop romantic feelings towards their clients to the point of

marriage (which then again could be motivated by the idea of financial stability)? The common practice of talking for others is put in the spotlight by these questions. By now, it is clear that sex work is intricate, and generalising can be counter-productive.

The biomedical approach is viewed as reductionist by feminists because for many years, the sexual drive of females has been constructed as being driven by hormones. When women decide not to engage in sex, hormones are blamed. All-too-familiar sayings such as that “it is the hormones” or “raging hormones” to describe a woman who either rejects or likes/enjoys sex (and initiates a sexual activity) derive from the biomedical model of female sexuality.

The biological reductionist approach is dangerous in that it perpetuates the kind of talk where something ‘out of the norm’ is viewed as pathological. What this does in relation to prostitution talk is that it constructs individuals (in this case, prostitutes) who are seen as pathological and who always have ‘raging hormones’.

In addition the biological reductionist approach is problematic because it does not take other paradigms into consideration (Wood et al., 2006). The psychological, environmental and social explanation of sexual desire is not taken into account by the sexual response cycle. A woman might, for example, feel or not feel the desire to have sex due to the psychological state she is in rather than due to her ‘raging hormones’. Environmental factors such as a stressful job or looking after children could also have an impact on how a woman feels sexually. Prostitution is a very complex phenomenon that cannot be understood from one perspective. The conventional cycle of sexual desire, excitement and orgasm could apply to some commercial sex encounters, but not to all. Some sex workers may be in the business strictly to make money and for them whether they are sexually aroused and reach orgasm is neither here nor there, but others may experience sexual encounters as intensely pleasurable (or reprehensible) in and of themselves.

Closely related to the biological reductionist approach in explaining sexual desire, is the notion of depoliticising sexual desire (Wood et al., 2006). By constructing sexuality from a purely biological perspective limits the understanding of sexuality because it tends to ignore socio-cultural, psychological and environmental forces that have an impact on women’s lives. This epistemic ignorance is intentional because it constructs sexual desire as a male phenomenon. The idea that the biomedical sexual desire process is constructed to police, control and suppress women’s sexual experiences could be likened to Foucault’s (1978) concept of ‘bio-power’ where authorities are hell-bent on controlling society (and especially women) by constructing discourses that suppresses them. The biomedical model creates the idea that women who experience sexual desire are ‘dangerous’ as seen from Wood’s

participants who reported that institutional sexism had a negative impact on their sexual desire (Wood, 2004).

Prostitutes are ‘foot-soldiers’ who are at the forefront of challenging societal sexual mores. Pro-prostitution feminists perceive sex workers as revolutionaries who, by selling sex publicly, are in effect fighting against the patriarchal system that has controlled women’s sexualities for millennia. On the other hand, radical feminists construct sex workers (and liberal feminists) as clueless victims of a patriarchal system which is hell-bent on controlling women. For radical feminists, sex workers are victims who must be rescued from male domination, and those who do not see themselves as victims are traitors to the liberation struggle of women and suffer from some form of ‘Stockholm syndrome’ (Åse, 2015).

#### **4.6.2. The liberal feminist perspective**

Liberal feminists are generally perceived to be accepting of prostitution (and prostitutes) and hence they are often labelled ‘sex-positive’ feminists. Generally, they have ‘positive’ perspectives on prostitution, such as that “sex is a job, much like any other and can be a form of self-determination for women” (Weatherall & Priestley, 2001, p. 325). What this means is that prostitution is framed and constructed as something that could be practised by anybody and, much like other jobs, it offers financial and other rewards. The sex industry is imagined as an institution that frees itself from the bondages of social norms and moral codes and also as a space where non-normative sexual activities can be practised and tolerated. Feelings of independence and freedom reported by prostitutes are used by liberal feminists to attest to the positive nature of sex work. This branch of feminism advocates for women’s (and prostitutes’) right to choose and, more importantly, they have respect for pluralism and self-determination (Snyder-Hall, 2010).

Liberalism as an ideology or worldview is based on the principles of liberty, equality and tolerance (Bell, 2014; Brandt, Reyna & Chambers, 2014). What this means with regard to prostitution is an attitude of tolerance towards prostitution and prostitutes as workers or entrepreneurs on a par with people who are active in other sectors of the economy. Some liberal feminists perceive prostitution to be morally problematic, but argue that individual liberty and freedom to choose must supersede one’s moral understanding of a phenomena. Liberal feminists are often criticised by radicals for taking a soft stance in the fight against the patriarchal system in the context of prostitution, but liberal feminists insist that it is possible to fight against patriarchy while simultaneously upholding the individual rights of women (particularly, the freedom to choose). For liberal feminists it does not make sense to

advocate for women rights while denying them their voice and liberty. Radical feminists are often criticised for trampling on sex workers' rights, denying them the right to speak, and more importantly for fostering discourses that reduce women to little more than victims of male domination (Scoular, 2004).

However, liberal feminists' support of prostitution is not unequivocal. Like radical feminists, liberals are caught in a dilemma where choosing in favour of prostitution is seen as betrayal to the feminist cause, and choosing against it as a betrayal of individual women's rights. If liberal feminists were to be against prostitution, they would be labelled as stuck-up and untrue to the liberal principle of liberty. If they were to be pro-prostitution, they could be perceived as softies, unrealistic and ivory tower commentators. In practice, most liberal feminists choose the latter option, but not always with a great deal of enthusiasm.

Critics of liberal feminists have punched holes in their ideals of liberty and freedom to choose (which is seen as naive in the context of structural oppression) and have accused them of having an ivory tower mentality (Jeffreys, 2008b) - they are perceived as being absent on the ground. There would appear to be some truth to this. Liberal feminists are not famed for their advocacy work with sex workers. They are known to comment on rights, liberties, freedom to choose and agency, but seldom comment on the details of the daily struggles of sex workers. It can be argued that if they really knew how sex workers are exploited, abused, and victimised, they could never have pushed the agenda of agency (Farley, 2013; Jeffreys, 2008b). According to radical feminists, what all feminists should be fighting for is the eradication of an institution which is the epitome of women's oppression and suffering.

There is obvious irony in the fact that on the one hand a key principle of liberal feminism is that individual rights (such as the right to choose) overrides all other concerns, while on the other they do not appear to have much interest in hearing the individual (or collective) voices of prostitutes. This irony is historically present in all forms of liberal politics. As much as liberalism presents itself as a vanguard for the powerless, it often fails to allow for the voices of the subjugated to be heard. In South African politics, for example, the Progressive Party (PP) and the Democratic Party (DP), and their successors such as the Democratic Alliance (DA), have often been criticised for silencing the voices of Black people (Dladla, 2015). During the 1970s, when the Black masses of South Africa intensified their struggle against apartheid through stay-aways, protest marches, armed struggle and negotiations, the Progressive Party did not join in the struggle, but instead positioned itself as a voice of moderation and reason. Black people were discouraged from participating in so-called 'provocative activities' in order not to provoke the apartheid government and force it to



retaliate. Dladla (2015), in his review of Eddy Makola's book "Friends of the natives: The inconvenient past of South African liberalism", argues that a key shortcoming of South African liberalism is that it has imagined itself to be "acting on behalf of and in the interests of Blacks" (p. 139) rather than taking the lead from those who were actually at the forefront of the liberation struggle.

There is an even deeper irony in this: Liberals champion the idea of individual agency, but by patronising and speaking on behalf of the exploited, they position themselves as saviours and others as meek, incapable of articulating their thoughts and, in effect, lacking in agency.

People are free to speak and to choose, but are unable to do so without the help of their liberal superiors. Dladla (2015) argues that liberals imagine that without their knowledge, ideas and institutions, Black Africans would be in the dark, and one can hear echoes of this kind of sentiment in the notorious remarks about colonialism (discussed earlier) by Helen Zille, who is possibly the most prominent liberal politician in South Africa.

Despite these ironies, which apply to liberal feminism as much as to liberal politics in general, there is inherent value in the liberal position that women should make their own choices regarding who to have sex with (and how), and what kinds of relationships to enter into. The principles of gender equality also apply to sexual liberation (Snyder-Hall, 2010) - one cannot advocate for gender equality and simultaneously shoot down sexual liberation. However, supporting sexual freedom as an abstract principle in relation to prostitution is meaningless unless it is informed by taking prostitutes' own analysis of their situation as a starting point and by joining with prostitutes' struggles, rather than presuming to speak on their behalf.

#### **4.6.3. The Marxist feminist perspective**

Marxism as an ideology is concerned with making sure that workers' rights are protected and respected (Cole, 2017), but also with critiquing and destroying the capitalist system which is perceived to exploit the masses for the benefit of the few (Aronowitz, 1990). Marxism perceives itself as a vanguard of the workers (in most cases, blue-collar workers) who are in a position of being exploited. This poses a challenge for Marxism in relation to prostitution. Marxists generally view prostitution as wrong in that it is a form of labour exploitation, and "thus for Marxists and Marxist-feminists, there is nothing 'natural' about prostitution; it is a phenomenon that has proliferated with the spread of capitalist markets, and with gender, sexual, and racial oppression" (Van der Veen, 2001, p. 32).

There are some Marxist feminists who place the primary emphasis on the idea of prostitutes as independent workers (Beloso, 2012; Jenness, 1990), whereas others are of the opinion that any exchange of services for money is an entrance into a relationship of subordination (Weatherall & Priestley, 2001). Since sex work is a form of transaction, there are power relations in the exchange, with the client occupying a position of power and the prostitute in an inferior position. This construction of prostitution explains the abuse of prostitutes at the hands of clients, police and their pimps because the former have been constructed as subordinate. Posner (1992), for example, theorises that prostitutes are rational and agentic beings who make informed decisions regarding their sexual choices. He is supported by Reynolds (1986) who also understands prostitutes as “rational agents who maximize their profit and utility (by supplying and demanding sex in the market) subject to constraints” (Van der Veen, 2001, p. 31). However, some Marxist feminists, drawing heavily on Marxist economic theory argue against prostitution in that selling sex is a form of alienation and involves an exploitative relationship of appropriated labour (see Amott & Matthaei, 1996; Bishop & Robinson, 1998).

The topic of prostitution appears to have an uncanny ability to bring to the fore inherent contradictions in any ideological position, and this also applies to Marxism. For instance, some Marxist feminists who are seen to support prostitution argue that since prostitution is a form of work, prostitutes are required to be (legally) protected from an exploitative capitalist system. These feminists do not see prostitution as wrong *but* they see the system that controls prostitutes as exploitative and therefore wrong. For Marxist feminists, as much as the argument (for workers’ rights) is about prostitutes, it is also about a group of workers that are exploited and who should be protected. On the other hand, some Marxist feminists *are* of the opinion that prostitution is wrong. The whole capitalist system is imagined as ‘prostituting’ workers. So, in other words, by its very essence, a capitalist system exploits (and prostitutes) workers. Prostitutes are particularly disadvantaged (especially in countries where prostitution is illegal), because their trade is not legally recognised and hence not protected. What this does is that it pushes some (as not all sex industries are policed) sex industries to the periphery and ultimately underground.

Has Marxist feminists really fought for prostitutes’ rights? Marxism, as a leftist ideology, attracts particular kinds of individuals who are committed to overthrowing the status quo, but in practice Marxist feminists have mostly kept their distance with regard to prostitution. Prostitutes have not received much support from Marxist feminists, whether from the pro prostitution or anti-prostitution group.

Like other feminists, Marxist feminists also tend to be drawn into perceiving prostitutes as either victims who need to be rescued (in Marxist talk, they are constructed as victims of a faceless capitalist society), or as agents who are fighting the capitalist system and who therefore deserve to be supported. However, at a deeper level both these perspectives construct prostitutes as in need of some form of rescue, as unsophisticated individuals who do not understand the intricacies of a complex capitalist system controlled by the elite. Marxist feminists create the idea that there is an elite group that is ruthless and intellectually smart which controls the sex industry - prostitutes are mere pawns (Chateauvert, 2013). As is the case with other feminist perspectives on prostitution, the voice of prostitutes is often disregarded or silenced (while perhaps remaining present as unsaid).

#### **4.6.4. Critical race theory and Black feminism**

Critical race theory is concerned with how race and gender intersect with other oppressive systems to marginalise Black people, as well as how class positions some Black people to be even more vulnerable to oppression. As much as there are many types of prostitutes, ranging from stereotypical street prostitutes to upmarket 'call girls', the majority of prostitutes are poor Black women (Beran, 2012; Butler, 2016) and for such women leaving the industry is often challenging as they have nothing to fall back on.

In addition to these somewhat obvious ways in which race intersects with gender and class to contribute to the oppression of prostitutes, race also plays an additional role, which relates to the fact that prostitution specifically involves sexual activity. In the dominant Western imaginary, Black people have always been constructed as primarily focussed on physical activity, as opposed to White intellectualism: Black people are athletic, have rhythm, and are hypersexual. In pre-colonial and colonial times (and in present-day rightwing discourse) these stereotypes are explicitly stated, but arguably remain covertly present in more 'respectable' discourse, such as in popular and academic writings about the prevalence of HIV among the Black population. Black men are primarily constructed as dangerously (but also intriguingly) hypersexual, but Black women are also seen as more prone to sensual indulgence, and hence more likely to turn to prostitution (Butler, 2016).

Black women fit the stereotype of prostitutes as vixens. It is common in everyday talk, also among Black people, to hear people labelling (Black) prostitutes as troublemakers, manipulative and seductive (Barton, 2002). Concepts such as 'home-wrecker' are testament to how women who sell sex are perceived. They are seen as propagators of instability to families and they bring misery to innocent people by spreading diseases. Little effort is made

to understand and interrogate how women (particularly poor and Black) enter into prostitution and decide to stay in the sex industry for years.

Butler (2016) argues that structural inequalities such as coming from a poor family and lack of employment opportunities plays a role in the decision making process of whether one chooses to sell sex or not. In addition to coming from a poor family, Black women are subjected to racism and racial profiling. It is common to observe poor black women being dragged off the street because they sell sex, but this type of law enforcement is motivated not only by the illegality of prostitution, but by racial discrimination and racial profiling (Beran, 2012).

In South Africa race is of course even more starkly connected than elsewhere to socio-economic oppression, and unemployment and limited economic opportunities for Black women are often cited as reasons why women become prostitutes. The South African discursive landscape is a patchwork of ritualised and institutionalised racism, and the economy still strongly reflects historic White privilege that closed economic opportunities for the majority of Blacks (Dladla, 2016). Black people struggled to access educational and career opportunities in financially lucrative sectors, which created a large group of lower-class peasants who could only do menial work. It is not surprising that a large number of Black women, especially those from rural areas, decide to sell sex in order to make ends meet (Beran, 2012).

Although feminists generally acknowledge the role of race, it has been most forcefully foregrounded by Black feminists. The history of Black feminism is rooted in the United States, and arose as a distinct wing of the feminists movement as a result of dissatisfaction with anti-racist movements, which were dominated by Black males, and the feminist movement, which was dominated by White women (Kiguwa, 2004). Black women felt that they were not contributing to the equality discourse as story-tellers. Men and White feminists were thought to misrepresent Black women's experiences and hence there was a need for a separate movement that would prioritise Black women and also create a space for them to tell and document their stories.

This dissatisfaction could largely be attributed to what I alluded to earlier: certain groups speaking for the 'oppressed'. The relationship between Black feminists and White feminists were cordial at first but later became strained because the latter were perceived as 'privileged'. Black feminists felt that White feminists are essentialist in their construction of gender which ultimately failed to acknowledge the intersectionality between class, race and gender (Tyagi, 2014).

White feminists' struggle has been directed at institutionalised discrimination on the grounds of one's gender. They are mainly concerned with gender equality and equal representation in strategic positions such as management, and political and economic circles. Black feminists on the other hand, first and foremost, fight against discrimination on the grounds of race, class, and then gender. White feminists have been accused of misrepresenting Black women's experiences to their benefit (Carby, 1996). The Black feminists' argument is centred on the notion that white women are privileged and would never really understand the lived experiences of Black women. White feminists are in a better 'place' because of their skin colour and, historically, most come from privileged backgrounds so gender discrimination is to some extent bearable for them (Carby, 1996; Lorde, 2003; Valentine, 2007). Another critique directed at White feminists is that they sometimes appear to act as if they were gatekeepers of 'true feminism', which further alienates Black feminism (Valentine, 2007). Black feminism is similar to critical race feminism in that it interrogates and takes into cognisance the intersectionality between gender, race and class (Brah & Phoenix, 2004; Carby, 1996; Cho, Crenshaw & McCall, 2013). Both these types of feminisms are concerned with the intersectionality between race, class and gender, which seem not to be the agenda of White feminists.

From Black feminists' perspective, a key shortcoming of White feminists position is that they universalise and essentialise women's struggles, proceeding as if Black, White, poor and wealthy women all experience essentially the same kind of oppression and that this oppression is first and foremost concerned with gender. Black feminists' approach to prostitution reflects this stance - they argue that however one constructs prostitution, the truth of the matter is that there is much variation among prostitutes, and prostitution should not be essentialised and universalised. Black prostitutes are not the same as White prostitutes and do not face the same hurdles in their daily lives. For Black feminists, race and class play a pivotal role in how prostitution is constructed. For starters, Black people in general have been marginalised economically which limits their choices. Prostitution is one of the more accessible means of earning an income for women who come from poor socioeconomic backgrounds. Another point often made by Black feminists is that Black prostitutes are often subjected to harassment by the law enforcers (in those countries where prostitution is illegal), and Black and White prostitutes will never be equal in the eyes of law enforcers. Black prostitutes are more likely to be constructed as hustlers and dangerous vixens purely because of their social milieus and the history of their neighbourhoods.

At least as far as their interaction with law enforcement is concerned, Black prostitutes can therefore be said to have more in common with Black people in general, than with Women. As a young man growing up in the township, I have come across many instances in my life where I was suspected of being a thief and in some cases, certain people saw me as untrustworthy and dangerous. As with my example, Black prostitutes are faced with daily discrimination at the hands of the general public and the law enforcement fraternity. Ratele's (2015), among others, has written extensively about the struggles of township men in a face of constructions of their racialised masculinity as a threat to law and order.

As seen from the position of critical race feminists and Black feminists, race and class should therefore be central when discussing issues related to oppression, including gender oppression. One cannot simply ignore historical structural inequalities and essentialise the experiences of those whom one imagines as being oppressed in the same way as oneself.

#### **4.7. The cry to be heard – “I can talk for myself”**

Debates about prostitution are dominated by feminists, academics and advocacy groups, who almost invariably present their understanding of prostitution as thorough and proper; and who usually wish to sway public opinion to fit in with their perspective. Prostitutes themselves do not necessarily agree with these various formulations and agendas, and as repeatedly pointed out in this and the previous chapter, have taken steps to make their voice heard, for example through sex worker advocacy groups. This is by no means a new phenomenon. For centuries, feminists and other predominantly middle-class groups have been critiqued for misrepresenting prostitutes in popular debates. A watershed moment in this process occurred, as described earlier in this chapter, when feminists were confronted by prostitutes at a conference organised by feminists in the early 1970s. As is often the case in such contexts, those who are central to the debate (in this case, prostitutes) were invited to ‘decorate’ the room. Prostitutes were not afforded an opportunity to talk for themselves (even though they were invited and present) and were brushed aside as if they are non-existent (Chateauvert, 2013). Feminists could not foresee the backlash, resistance and retaliation from prostitutes that would ultimately redefine how prostitution is constructed.

Even much prior to this event, from around the 1700s, prostitutes have organised themselves and fought for autonomy, freedom of association and other rights. Global concerted efforts by prostitutes were often not acknowledged by feminists and this created tension between the two groups. The global prostitutes’ movement has nevertheless been at the forefront of challenging the patriarchal system to recognise their labour rights (Lopez-Embury & Sanders,

2009), with resistance in countries such as France (Bassermann, 1993), India (Oldenburg, 1990), Guatemala (McCreery, 1986) and Kenya (White, 1990). It is interesting to note that the prostitutes who collectivised since the 1700s have predominantly not perceived themselves as *sexual* victims of a patriarchal society, but rather as *economic* victims of structural inequalities that excludes them, more so than women in general, from economic opportunities.

#### **4.8. Conclusion**

This chapter was dedicated to one of the most significant and profound voices in debates about prostitution, namely feminism. Feminism has contributed greatly to the theorisation of women's struggles. It has laid bare how economics, politics, gender, race and class intersect to oppress women. However, feminism has been critiqued for a variety of reasons, one of which is the co-option of feminist advocacy which works within the colonial space of white masters (Dodge & Gilbert, 2015). Feminists are often accused of using colonial lenses to understand women's struggles as they relegate the women's right to choose to individual identity politics instead of the collective experience and liberation of women.

In addition, some feminist ideas regarding sex seems at odds with how sex is actually experienced by prostitutes. Prostitution is often constructed as purely a coercive activity with radical feminists arguing that no woman could ever truly enjoy the sexual experience as a prostitute or find any emotional fulfilment from it. Basson (2000, 2002); Wood et al., (2006); Wood et al., (2007) argue that sex is never purely physiological and that one cannot simply ignore the emotional component involved. Some radical feminists seem to believe that the sexual arousal, excitement and orgasm could not be experienced by prostitutes because they invariably 'hate' the sexual encounter with clients. However, some prostitutes are comfortable to talk about both the emotional highs and the emotional lows of their sexual experiences with different clients (Trotter, 2008a) and, as seen in Chapter 2 some prostitutes report that contrary to popular belief, they sometimes enjoy sexual encounters with their clients on a physiological, sensual level.

Where does this leave us? In some ways, prostitution clearly does involve structural and sexual violence, more so than non-commercial sexual encounters. For the sake of earning money, sex workers have to endure being penetrated when they do not necessarily want to be or, as graphically articulated by Farley (2013), having to deal with incidents such as when "a foul-smelling man your grandfather's age comes on your face" (p. 371). On the other hand, as has been argued throughout this chapter, prostitutes are more than mere victims: some take

pride in their work, some make informed choices regarding the advantages and disadvantages of sex work, and some are more than able to speak for themselves.

Both those who argue that sex workers are always coerced into sex, and those who insist that sex workers are always free to choose, construct lumpy discursive landscapes where being a sex worker is either a curse, a problem, or 'nothing to worry about'. Sex workers are oftentimes silenced on issues that are central to their work (such as the question of whether they sometimes enjoy sex with clients or not), and the diversity that exists among sex workers (their unique circumstances, histories and personal experiences) are homogenised.



## CHAPTER FIVE

### THEORETICAL FRAMEWORK

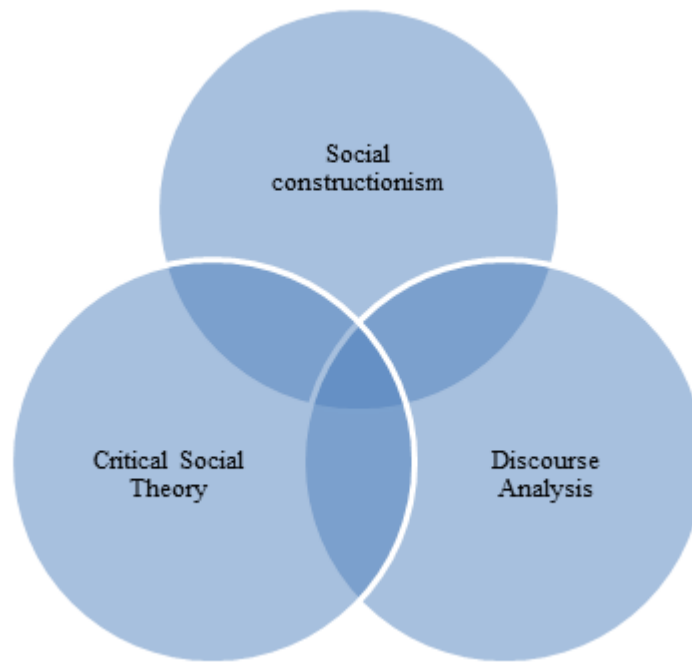
#### 5.1. Introduction

In Chapter 3, I sketched the general discursive and ideological landscape within which prostitution arises as a distinct phenomenon, attending to both ‘popular’ perspectives and more formally articulated positions such as functionalism, feminism and social constructionism. Given that feminism has made such an important contribution to work and activism relating to prostitution, and is so obviously relevant to the issue of prostitution, I considered the relationship between feminism and prostitution in more detail in Chapter 4. However, although this thesis is written with a broadly feminist agenda in mind, I do not draw directly on feminist theory in the chapters that follow. I do however rely heavily on another approach that was briefly introduced in Chapter 3, namely social constructionism and, more specifically, discourse analytic approaches. I also introduce a third theoretical pillar, namely that of critical social theory.

Social constructionism, critical social theory and discourse analytic theory, although distinct, can be seen as parallel and sometimes overlapping schools of thought. These approaches all have a critical stance with regard to what is thought to be known about social phenomena such as prostitution and the institutions that control and define these knowledges. Prostitution is not a timeless and objective fact, but an institution with certain historically and socially contingent rules and regulations, hierarchies, stakeholders and interested parties. These rules, regulations, ideas, and hierarchies arise from, and are sustained or undermined by a constant process of social and political cooperation and contention among role players who on a daily basis help to (de)construct what prostitution ‘is’. It is this process (of socially creating and dismantling prostitution) that social constructionism, critical social theory and discourse analysis are meant to bring into visibility.

Below I first discuss a social constructionist approach in broad terms as well as how it applies to prostitution. I then show how critical social theory can help to foreground how women (and prostitutes in particular) are fetishised, commodified, politicised and how the idea of ‘mass culture’ contributes to the debate on prostitution. The last section of this chapter will zoom in on different yet complementary methods of making sense of texts from discursive lenses rooted in Foucauldian discourse analysis and discursive psychology.

Below is graphic depiction of how critical social theory, social constructionism and discourse analysis are intertwined to provide a theoretical foundation for this thesis.



**Figure 5.1 Graphic presentation of the theoretical framework**

It is not my intention here to provide a thorough theoretical and historical overview of any of these approaches. My aim is rather to provide a coherent theoretical backdrop to the following chapters, which interweaves social constructionism, critical social theory and discourse analysis. Each of these approaches incorporates elements of epistemology, ontology and methodology, but to different degrees. Broadly speaking social constructionism focuses on epistemology (the politics of how we know what is true), critical social theory focuses on ontology (the actual nature of the social world), and discourse analysis on methodology (the pragmatics of how to study the social world). I recognise that a purest approach would insist on more sharply delineating the contradictions and dividing lines between these approaches, and within each approach, but for the purposes of starting to develop a deeper understanding of prostitution I believe that the three approaches can be used in concert.

## **5.2. Social constructionism**

Social constructionist approaches tend to give equal weight to ‘ordinary’ and everyday texts and interactions as to those that are officially sanctioned or mandated, as the assumption is that power seeps in from the edges to create the social world rather than being wielded from the centre to warp and suppress an already-existing world. In this chapter I largely follow this approach, but without completely letting go of the idea that power is concentrated in the hands of the few and that those who occupy ‘powerful’ positions (such as men, law enforcers,

religious leaders and politicians) may have inordinate influence over what is ‘known’ about prostitution. Rules and regulations are created by people in power, although they too are shaped and influenced by the network of ideologies and discourses that ‘seep in from the edges’. A recent example is a 2017 report by the South African Law Reform Commission - the “Project 107 Report on Adult Prostitution in South Africa” (South African Law Reform Commission, 2017). The report argued that prostitution should not be decriminalised in South Africa because, among other reasons, it exploits women and it creates a conducive environment for the abuse of women and children. Arguably, the decision not to decriminalise prostitution was as a result of deliberation by few individuals (a so-called commission) who felt that they have an ethical and moral duty to protect the vulnerable, women and children. This is a classic example of what Foucault termed bio-power, where the state, through devious means, relentlessly controls its citizens. It was unsurprising that the report was met with disdain by some civil society organisations such as SWEAT, the Women’s Legal Centre and some medical professional bodies, but also celebrated by some civil society organisations such as Embrace Dignity which marched to the South African parliament on 26 April 2017 to deliver a petition to end prostitution in South Africa (Admin in life, 2017). I present a more detailed reading of the Project 107 Report in Chapter 7.

Social constructionism in part stems from symbolic interactionism (Jenkins, 2001; Kim & Berard, 2009) which postulates among others, “that individuals act based on the meanings objects have for them, that the interaction occurs within a particular social and cultural context” (Carter & Fuller, 2015, p. 1-2). For decades, social constructionism has positioned itself as one of the most radical epistemological approaches in the postmodernism period (Edley, 2001). Herbert Blumer, who is one of the better-known symbolic interactionists made a profound observation that society is not some dogmatic and stable entity - it is evolving and continuing, where agency and indeterminateness of action is emphasised (Collins, 1994).

Edley (2001) argues that social constructionism is often ‘misunderstood’ owing to the ontological and epistemic differences within the broader social constructionist paradigm. The central question for understanding knowledge for a social constructionist focuses on whether knowledge is grounded in some form of objective reality or whether it is a product of human mental functioning. A common-sense perspective is that on the one hand we have a real world with all its unique qualities and on the other hand we have accounts (representations) of that world, but according to social constructionism reality does not exist independently of its representations, but is constructed through text and talk (Edley (2001) - discourse

‘constructs the objects of which it speaks’ (Foucault, 1972, p. 54). Prostitution is not an objective fact that can be (mis)represented - it comes into being as a social fact by virtue of the different ways in which people represent it (Becvar & Becvar, 2013).

However, socially constructed ‘realities’ are not static, but evolve. What one ‘knows’ about something today, could change in two years. Consider the example of HIV. When it was first discovered, the discourse dominating HIV talk was death and misery. Medical discourse, public discourse and academic discourse constructed HIV as a deadly virus with poor prognosis. In this day and age (one could argue with the help of medical advances) the ‘reality’ of HIV has changed. The fear-mongering and death discourse related to HIV no longer dominates the medical, academic and public space. Most social constructionist theorists would not argue that the HI virus, the physical manifestations of AIDS or the effects of AIDS medication are constructed in the sense that they can be ‘wished away’ simply by representing them in a different way; rather, they argue that HIV and AIDS are ‘social facts’ as much as physical ones and that shifts in how they are socially represented has a profound impact on what they are understood to be and how they are responded to.

Social constructionism shares similar perspectives with interpretive approaches (Kham, 2013; Smith & Eatough, 2008), in that both are cognisant of the role played by the ‘constructor’ particularly how a constructor interprets reality; both emphasise the importance of meaning and reject the idea of objective reality (Becvar & Becvar, 2013; Gergen, 2001; Kham, 2013). However, social constructionism tends to emphasise collective approaches to and representations of reality (sometimes called discourses), which arise over longer or shorter periods, and are then experienced and deployed by individuals as if they were their own, unique and authentic understandings of reality.

Kenneth Gergen is considered to be one of the foremost proponents of social constructionism (Stam, 2001). Gergen’s scholarly work on social constructionism centred on the argument that ‘truth’, ‘objectivity’ and ‘reason’ are artifacts of historically and culturally situated communities (Gergen, 2001). However, Gergen’s work, or as some call it ‘Gergen’s social constructionism’ (Hibberd, 2001a, p. 297) has often been critiqued for sharing some features of logical positivism and for failing to assert anything, given its position on the nature of language, objects and reality (see Hibberd, 2001a; Hibberd, 2001b; Jenkins, 2001; Liebrucks, 2001; Maze, 2001).

The very idea of the ‘birth’ of social constructionism was to provide an alternative epistemology which would challenge the ‘scientific’, conventional and positivistic scholars whose paradigm was based on objectivity and the idea of ‘one truth’ (Hibberd, 2001a). In essence, social constructionism’s place in science was to provide an alternative view of *how* reality is socially constructed. Gone were the days where ‘objectivity’ was the alpha and omega of scientific understanding. Stam (2001) points out that the ‘first wave’ social constructionism was more of a political movement which sought to problematise how mainstream science explains phenomena, ‘subjects’ and their reality. Social constructionism asked uncomfortable questions such as how knowledge is produced, for whom, by whom and for what purpose?

Social constructionism focuses on the proposition that in analysing social problems, one must be wary of making assumptions about reality, particularly the singularity and objectivity of reality (Becvar & Becvar, 2013; Best, 1989). A social constructionist is therefore not so much concerned about the truthfulness and trustworthiness of what performers say and do (Baker, 2003), but with the social realities that are being (re-)created in the process. Social constructionism nevertheless acknowledges that human talk is made up of distortions or ‘mistaken’ claims about reality, but these distortions and mistakes are always relative to consensual rather than immutable truths. These distorted or mistaken claims are part of social construction, which forces the analyst to be well aware of the socially constructed realities in question. Thus, social constructionism focuses on the analysis of social conditions within which texts arise and which they support or undermine, rather than on the objective realities that texts claim to point to (Crotty, 1998). This also includes the meaning and understanding of individual experiences, which are understood not as authentic in and of themselves but as feeding off, and into, the social context. However, the social context should not be viewed in a linear and straightforward manner. For example, in attempting to understand discursive patterns that shape the understanding of sex work, the social context (e.g., the brothels and social milieus sex workers find themselves in, formal and informal talk and writings about sex work, gender relations, and so on) do not determine what sex work entails in a linear manner, but help to provide a nuanced understanding of sex work and sex workers. As seen from previous chapters, prostitution discourses, and therefore sex work, are tightly linked to the historical and cultural circumstances of particular communities. What is truthful, objective and logical for one particular community could be the opposite for another community. It should not be a surprise to discover that in the context of prostitution, sex

workers' discourses on prostitution are often dissimilar to academic, public and legal talk about prostitution.

Social constructionism therefore radically diverges from positivism, which views theories as axiomatic (Hibberd, 2001a), i.e. as statements of unquestionable truth. Social constructionism paradigm acknowledges that a 'subject' (i.e. a prostitute) is social, not individual, and that the lenses (i.e. theory, model, ideology) used to understand the 'subject' should be treated with caution as they often represent discursive patterns that are shaped by the same historical, geographic and ideological positions that construct individuals in particular ways (Gergen, 2001; Hibberd, 2001a). In this instance, a community could be a small group of 'scientists', politicians, lawmakers and religious bodies or entire societies. As seen in chapter 3 (idea of prostitution) different schools of thought (i.e. functionalist, constructionist and feminist) have their particular ideas of what prostitution (and a prostitute) entail. The diversity within which they perceive and construct a same subject is testament that meaning is socially constructed and that it is useful to acknowledge the socio, historical and cultural context within which a 'subject' is understood.

The complex web of relations between the perspectives of different interest groups in relation to a phenomenon such as prostitution is sometimes described as an 'ecology of knowledge', but these patterns of competition and cooperation could equally be understood more brutally as epistemic warfare. Dominant bodies such as scientific communities tend to exploit their elevated status to 'bully' other communities into accepting their truth - starting with academic presentations and publications and then moving on to traditional and social media and other 'popular' fora. This of course does not happen overnight, but is a process that can take years and is often difficult to reverse. Take for example the history of psychological assessment in South Africa. The National Party 'used' scientists to construct the idea that Black people were not 'intelligent' and that there were certain fields in which they could not have 'made it' because they were not naturally equipped to understand them (Classen, 1997; Owen, 1986; Van der Vijver & Rothmann, 2004). Through propaganda, they created and spread the idea that Black people were only good enough to serve their White counterparts (Durrheim, Mtose & Brown, 2010). In certain fields such as farming, independent black tenants and sharecroppers were turned into labour tenants and labourers on their own farms (Beinart & Dubow, 1995; Plaatjie, 2012). The realities created by apartheid is still with us, and the epistemic contestation in which apartheid scientists, politicians and ideologues were players resembled not so much a benign and balanced ecological system, but rather a ruthless war.

Despite the obvious differences between social constructionism and positivism they may, ironically, not be that far apart. According to Hibberd (2001a; 2001b), social constructionism, especially Gergen's interpretation, shares some features with logical positivism and Kantian phenomenism, which then become a recapitulation of the standpoint espoused by positivist philosophy of science, an observation further supported by Stam (2001). According to Hibberd, logical positivism is often based on a philosophical attitude of conventionalism, which means that fundamental principles are validated by definition, agreement or convention (Ivanova, 2015; Petroni, 1993). Instead of social constructionism embracing a multiverse of knowledge, she argues, it fell into the same trap of embracing meta-theoretical ideals taken directly from positivism (Hibberd, 2001a). In a similar vein Maze (2001) critiques the "meta-theoretical epistemology" (Maze, 2001, p. 393) that governs social constructionism, leading social constructionism to contradict itself by treating the discourses that it claims to identify as having an objective existence, and assuming its statements about these discourses to be true without considering what evidence would be required (Maze, 2001). In his defence, Gergen argues that there is not really any similarity between a positivist and a constructionist because the latter is far more concerned about the "social conventionalism that inhabits the very process of verification/falsification" (Gergen, 2001, p. 421).

Stam (2001) alludes to how social constructionism has thus far failed to critique itself on its historicity. Social constructionism, according to Stam, should be more aware of its history, particularly the fact that the movement (at least in universities) gained prominence after the Second World War, i.e. in a period of relative peace and economic growth during which a middle class culture of individual choice and diversity flourished. Social constructionism is still presented as some form of 'rebellious epistemology', but is in fact in tune with a social world in which middle class consumers imagine everybody to have a right to their own truth. The social constructionism rightly questions the authority of shallow 'scientistic' approaches to social phenomena, but it should also question the authority of equally shallow postmodern ideas that amount to a celebration of 'anything goes' individual, subjective preconceptions.

### **5.2.1. Research, social constructionism and sex work**

What we know about prostitution and the conceptual frameworks shaping the idea of prostitution is often based on politically and morally saturated arguments and is, in all cases, a product of particular cultures at particular locations in history. My hope is not to come up with something new or to get it right, but to deconstruct what is known about prostitution and

consequently to contribute to the collaborative (re)construction of sex work, taking into account sex workers' historical and cultural contexts.

Historically, most research projects on prostitution were (and still are) characterised by an obsession with either the 'scientific' nature of inquiry or with bringing to the fore the 'lived experiences' of prostitutes. My initial critique of these ways of conducting research is that it feeds into existing stereotypes of and discourses about sex workers, mainly that they are positioned as a 'key population' that needs to be rescued. Both objective, 'scientific' approach to understanding prostitution (for example making use of questionnaires and surveys) and humanist approaches (for example making use of in-depth interviews) tend to re-inscribe the researchers biases together with conventional ideas about the phenomenon. One way of trying to avoid this is to involve prostitutes themselves in the process of critically constructing, deconstructing and reconstructing understandings of themselves in collaboration with non-prostitutes. In recent years, qualitative researchers interested in sex work have begun exploring more inclusive and collaborative participatory arts-based methods (for example, the work of Huschke, 2017). This type of work allows sex workers to use art (such as paintings, drawings, photography and word collages) to construct their stories in relation to their broader social, historical and cultural contexts (Desyllas, 2013; Huschke, 2017).

In Chapter 3 I reviewed four 'pillars' that together construct the idea of prostitution: The relativity of prostitution, the significance of social control, the significance of classification and prostitution as a career (Jarvinen, 1993). From a social constructionist perspective, two conclusions can be drawn with regard to prostitution. First, prostitution is a social construct and therefore anyone, at any given point in time could be in danger of being classified as a prostitute, if she fits any of the four aforementioned analytic 'criteria'. Second, the discourse around prostitution as an institution serves the purpose of controlling those involved in it. This could be done by the enactment of policies and laws directed at prostitutes (such as zoning, registration and mandatory medical check-ups). In countries such as South Africa where prostitution is criminalised, the consequences are dire. Sex workers are subjected to police brutality, abuse at the hands of their clients and secondary victimisation by law enforcement agencies and health care practitioners (Decker, McCauley, Phuengsamran, Janyam, Seage & Silverman 2010; Monto, 2004; Shannon & Csete, 2010).

Prostitution is managed and controlled, not only by means of direct enforcement, but to a large extent also through more subtle means of steering the actions of those involved in the



sex industry. Perhaps one could borrow Foucault's concept of 'governmentality' to understand how the state, through the enactment of policies and laws not only directly controls prostitution and women but also encourage forms of subjectivity and civic behaviour that are amenable to being managed in ostensibly more humane ways. When analysing the report on adult prostitution in Chapter 7, I will discuss how the state attempts to govern and surveil sex workers through legal and other means. Foucault was interested in demonstrating how governmentality plays itself out in body politics - through the ways in which "we conduct ourselves, the relationship one has with one's body and other bodies that constitute society" (Danaher et al., 2000, p. 83). It would be interesting to see how sex workers and others with a stake in the sex industry conduct themselves when navigating through public spaces. This will be discussed more fully in chapter seven.

### **5.3. Critical Social Theory**

Critical Social Theory (CST) owes its roots to the Frankfurt School, also known as the Institute of Social Research, which is a socio-political and philosophical institute located in Frankfurt, Germany (Jay, 1996; Tarr, 2011). During Nazi rule (1933), the school was forced to close and to relocate to Columbia University in the United States, where it became a formidable philosophical movement (Held, 1980; Kellner, 1990). Moving the Frankfurt school to the United States was arguably a loss to the strong German philosophical tradition, which was at the time very critical of Hitler, and the violence he instigated against Jews and people who were not of German nationality (Baynes, 2013; Simpson, 2002). CST is also linked to Marxist thinking, in particular in that it holds on to Marxist notions of 'base' (the world of economic production) and 'superstructure' (the world of ideas and culture), but combining this with other theoretical traditions such as Freudian depth psychology (DeMarco, Campbell, Wuest, 1993). CST has contributed to the re-interpretation of key Marxist economic and political notions such as commodification, fetishism, reification and the critique of mass culture (Bell, 1998; Coy, Wakeling & Garner, 2011, Davidson, 2014; Elman, 1998; Monto & Julka, 2009; Riordan, 2001; Sabsay, 2011; Scoular, 2004; Scoular & O'Neill, 2008; Van Der Veen, 2001; Young, 2009). CST has been moulded, revamped and (re)constructed by a number of scholars who each made a unique contribution to the evolution of the critical school. Below are a few Frankfurt scholars who have contributed immensely to the debate on Marxism, Freud's psychoanalysis, dialectical mediation and psychological irrationality.

### 5.3.1. From Horkheimer to Honneth

CST has developed over a period of almost a century, over the years contributing in different ways to interrogating the economic, political and social processes of mainstream thinking. Among the scholars who have become synonymous with CST are Horkheimer, Adorno, Marcuse, Habermas and Honneth. Below I will attempt to interweave the major ideas of these scholars with how prostitution is constructed and understood.

In its formative years, the Frankfurt school focused on studying society by means of Marxist analytic concepts (Jay, 1996; Tarr, 2011). However, under the leadership of Horkheimer the school abandoned Marxist purism and began focusing on Freud's psychoanalysis, particularly his insights into the psychic (and sometimes psychotic) role of the family, as well as on Adorno's work on the 'Authoritarian Personality' (Alford, 1987; Dallmayr, 1989; Held, 1980; Honneth, 1987; Wiggerhaus, 1995). Thus within the Frankfurt movement, the psyche started to take centre stage instead of Marxist ideas regarding materialism and the economic exploitation of workers, thereby contributing to the academic discourse on social oppression by foregrounding 'psychological irrationalism' as a source of obedience and domination (Jay, 1996).

Horkheimer was also critical of the notion of dualism, which, he argued, often leads to paralysing dichotomies (Brunkhorst, 2011; Held, 1980; Horkheimer, 1992). He critiqued Cartesian and Kantian philosophies, which are notorious for categorising - i.e., emphasising the difference between consciousness and being, theory and practice, fact and value and so on (Habermas & Levin, 1982; Horkheimer, 1992). For purposes of my study, I draw heavily on Horkheimer's dialectical mediation, which attempts to overcome categorical fixities and oppositions (Hohendahl, 1985; Wheatland, 2005). Feminists and researchers interested in the debate on prostitution (i.e., whether prostitutes are victims or agents) could take a leaf out of Horkheimer's concept of dialectical mediation, which postulates that for the sake of strengthening academic discourse, the focus should not exclusively be on differences but also on similarities that shape and improve our social existence. In this way, Horkheimer hoped to overcome overly rigid dichotomies in Marxism and in social theory more generally.

The Frankfurt school effectively introduced the psyche, and specifically its irrational elements (i.e., the unconscious), into critical social theory. This contributed, for example, to an understanding of the rise of Nazism as more than an economic phenomenon, but as also rooted in the irrational desires for intimate belonging, certainty and domination (and for being

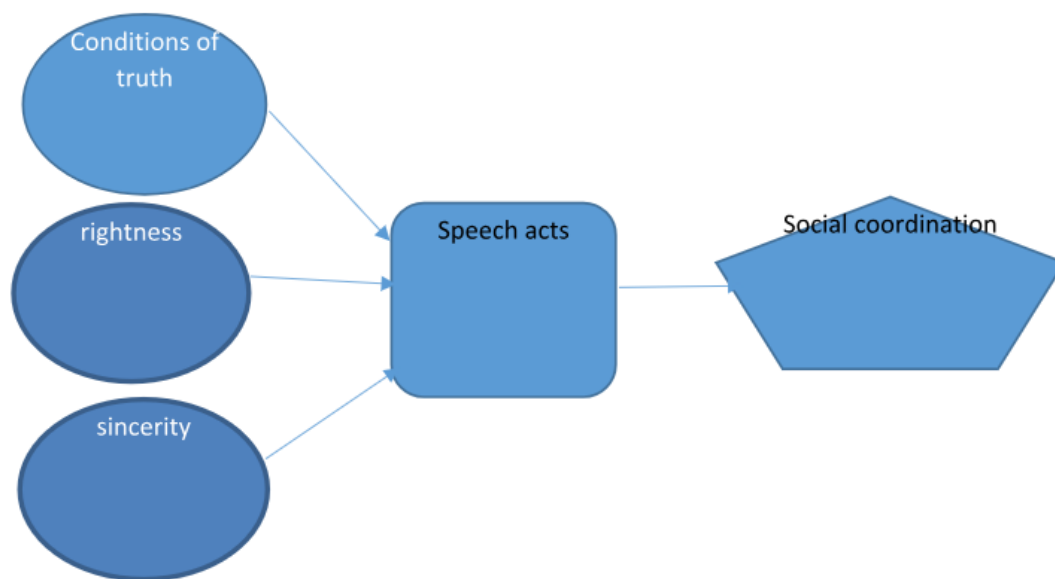
dominated) of the Nazi leaders and their followers. There clearly was a need to go beyond economic Marxism to explain the phenomenon of Nazi Germany and there may still be much utility in considering the unconscious wish-fulfilment inherent in appeals to, and enactments of, present-day authoritarianism. The election of Donald Trump to president of the United States, for example, has clear economic elements such as job losses among working class White Americans, but also stems from irrational, ‘romantic’ desires among those in this class to restore an imagined past when the American family was still intact and ‘daddy’ was still firmly in charge.

In relation to prostitution, it would not be difficult to make a case that those who call for the ‘cleaning up’ of society on moral or medical grounds are driven at least in part by similar desires to return to the innocence, purity and moral certainty of an idealised childhood. It would also be possible to discern traces in such people of what Adorno (1989) labelled the ‘Authoritarian Personality’. People who have an authoritarian personality are non-critical, comply with conventional rules and lack introspection (McGray, 2016) - characteristics that could easily be applied to many who believe that prostitution should be eradicated. Among the traits that those with an authoritarian personality are supposed to have is an exaggerated concern with sex, which again is more than evident in the writing and talk of those who have a conservative view of sex work. Such people will, for example, express revulsion at the thought that somebody “can have sexual encounters with more than five guys in a day” (Anonymous, 2017), perhaps thereby betraying a secret fascination with the more lurid aspects of sex work. Those with an authoritarian personality are also supposed to be overly concerned with cleanliness and hygiene, which is evident in the way in which prostitution is constantly linked to the risk of HIV and other infections (Lundy, 2015; Platt, 2013).

However, labelling those with a conservative take on prostitution as having an authoritarian personality can be problematic. Although Adorno’s Authoritarian Personality was influential in the American social sciences, it was widely criticised for bias and methodological flaws (Roiser & Willig, 2002; Sibley & Duckitt 2008). It has been argued that the meaning of ‘authoritarian personality’ has in fact been grossly misconstrued because it is based on the typical character type of a totalitarian rather than an authoritarian society (Jay, 1996). Adorno himself conceded that his construction of the authoritarian personality was misrepresented. In South Africa, attempts to ‘explain’ apartheid in terms of the supposed authoritarian personalities of Afrikaners in general, or of conservative White South Africans, has met with limited success (Heaven, 1985; Peterson, Smirles & Wentworth, 1997)

Apart from conceptual problems in the definition of the authoritarian personality and methodological problems in measuring it, there are also ‘strategic’ reasons why appeals to such constructs should perhaps best be avoided. Talk of individual personality as determining problematic social phenomena draws attention away from the oppressive and exploitative social structures that give rise to the phenomena in the first place. It also opens the door for ‘pathologising’ any group whose opinions one wishes to debunk. Just as those who hold conservative views about prostitution can be pathologised, so too can prostitutes. In such a scenario the ‘explanation’ for prostitution becomes the psychological failings of prostitutes and the ‘solution’ becomes some form of individual psychological rehabilitation. Psychology is prone to this kind of pathologising maneuver, and it is not surprising that there continue to be many attempts to demonstrate a causal relationship between prostitution and childhood experiences such as childhood trauma, and growing up in dysfunctional families where parents abused drugs and alcohol (Medrano, Hatch, Zule & Desmond, 2003; Stoltz, Shannon, Kerr, Zhang, Montaner & Wood, 2007).

Apart from integrating (Freudian) ideas about the psyche with Marxist thought, the Frankfurt School also introduced ideas about ‘discourse’, again with the intention of softening the stark Marxist dichotomy between base and superstructure. Habermas in particular, focused on discourse, especially on what can pragmatically be achieved through communication (rather than whether communication is true in an abstract sense). Habermas argued that discourse is characterised by the types of validity claims raised by what we communicate and that these are influenced by the conditions of ‘truth’ (adequately representing what is being spoken of), ‘rightness’ (socially appropriate) and ‘sincerity’ (does not attempt to deceive). It is when these three conditions come together that social speech acts are effective and coordination comes to fruition. See Figure 5.2



**Figure 5.2 The process of social coordination according to Habermas**

Thus, in Habermas’s conception, meaning and truth does not exist in an absolute and abstract realm, but is created (and has an impact on the world) through the process of communication between people. However, not all communicative processes are equally successful in achieving social truth and facilitating action. Habermas (2005) lists four requirements for a process of interaction to be ‘rhetorically adequate’: “(i) no one capable of making a relevant contribution has been excluded, (ii) participants have equal voice, (iii) they are internally free to speak their honest opinion without deception or self-deception, and (iv) there are no sources of coercion built into the process and procedures of discourse” (Bohman & Rehg, 2017, n.p). Applied to the problem of creating ‘adequate truths’ about the nature of prostitution it should be evident that much of what is said and written about the phenomenon falls down on one or more of these criteria - in particular with regard to the inclusion of the voices of prostitutes themselves.

One criticism of Habermas’s idea of discourse is that it does not further explore how these speech acts are constructed, what greater historical/ political power they have and what is achieved by them (Duchscher, 2000). In Chapter 2 I attempted to address some of these issues by interrogating the historiography of prostitution, taking different cultural contexts into account (chapter 2), and in later chapters have tried to draw attention not only to the

immediate dynamics of what Habermas would call ‘speech acts’, but also their larger contexts and implications.

In addressing some of the shortcomings identified in Habermas’s notion of discourse (i.e., lack of exploring how speech acts are constructed and the political power that they have), I turn to Honneth’s work on Hegel’s notion of ‘recognition’ (Anderson, 2009). Honneth’s conception of power is closely linked to Hegel’s theorising on the struggle for recognition or what Hook calls liberation (Hook, 2007). Honneth argued that the struggle for recognition should be at the center of social conflicts (Honneth, 1995). In addition, Honneth’s idea of power was based on the notion that the masses who are subjugated and oppressed should strive for recognition, and that this ‘battle’ could only be won by challenging and defeating institutions that exert power on them (Honneth, 1991; 1995). However, he seemed to be in agreement with Foucault, in that contrary to many critical theorists who only understood power as top down, he understood power as relational, seeping in from the sides, and ‘de-agented’ (Foucault, 1980; Honneth, 1991; Hook, 2007). It cannot be denied that prostitutes have, for decades, strived for emancipation and recognition of their work, which could be equated to one of the key principles of the Frankfurt school, namely ‘befreiung’ (liberation). As seen in Chapter 2, sex workers have, for centuries, collectively organised to resist and challenge dominant social mores, which constructed prostitution as immoral, as evidenced in legislations which criminalise prostitution. Prostitution movements and their allies insist that as individuals and as a collective, prostitutes are entitled to basic human rights such as freedom of autonomy, freedom of choice, and freedom of association (Mgbako et al., 2013; Radebe, 2013; Rhoda, 2010). In addition to fighting for recognition and emancipation, sex workers have collectively bargained for their sexual services to be recognised as work and therefore to be protected under labour laws.

Applying critical theoretical ideas from the Frankfurt School to the issue of prostitution is valuable in that it locates prostitutes’ struggle within a larger critique of modernity and the pathologies of capitalist society, and in that it offers ways in which society as a whole (and not only marginalised groups such as prostitutes) can be emancipated. Critical theory also provides useful concepts for understanding prostitutes’ place in the political and economic system - such as the commodification and reification of sexual pleasure, of particular types of (fetishised) sexual services, and of prostitutes, as well as the critique of mass culture and cultural industries that legitimise the economic and political purposes of capitalist society (Delicado-Moratalla, 2018; Elman, 1997; Overall, 1992; Young, 2009). Reification means

making something abstract into something concrete and real. In (post-)Marxist thinking it refers specifically to turning human relations into immutable facts rather than situationally determined encounters and thereby turning people into thing-like objects. For example, under capitalism the employment relationship between a factory owner and a factory worker (exchanging money for work) is reified so that the factory worker becomes like an object that is interchangeable with any other (equally object-like) worker. In the case of prostitution, the prostitute becomes the interchangeable provider of sexual pleasure who can be treated as an easily replaceable object rather than a human being. Pimps and male clients are the equivalent of capitalist factory owners who are free to exploit sex workers to the maximum degree possible - pimps by, for example, charging exorbitantly high rental fees for lodging (Gould & Fick, 2008) and clients by underpaying while demanding the best possible service.

#### **5.4. Discourse theory**

Discourse analysis and discourse theory is often understood as providing a means of doing empirical research from a Social Constructionist perspective, with Social Constructionism presented as the epistemological grounding and discourse analysis presented as its methodological implementation. This understanding is not incorrect, but ignores the long history of discourse-related thinking in theoretical milieus other than Social Constructionism. In the previous section I showed, for example, how the idea of ‘discourse’ was used in Critical Social Theory to expand and enrich Marxist conceptions of the relationship between subjectivity and society. In addition, discourse analysis and theory has a particular identity and recent history in the discipline of psychology, which goes beyond methodology. Therefore, rather than thinking of discourse theory and analysis as merely a methodological extension of Social Constructionism, I here treat it as a theoretical pillar of my study on a par with Social Constructionism and Critical Social Theory.

In this section I briefly review what is meant by ‘discourse’, discuss the nature of discourse analysis and its role in confronting mainstream psychology and then present two discourse analytic approaches that have been prominent in psychology - Foucauldian discourse analysis and discursive psychology.

The meaning of the term ‘discourse’ is notoriously variable and slippery (Hook, 2007), and can be used to refer to, among others, ideas, attitudes, ideologies, verbal interactions, and

written texts. In order to understand the impact discourse analytic thinking has had in psychology it is perhaps most useful to point to two things that discourse is *not*.

First, a distinction should be made between discourse and text. Texts are written or verbal communications (or images, actions, spatial arrangements etcetera, understood as texts), whereas discourses are the repetitive patterns that are discernible across texts - i.e., texts present as if they are unique expressions, but in reality draw on cross-textual discursive patterns to become meaningful. The subjects and objects that appear in texts have been discursively constructed over time and it is by virtue of this historical discursive work that texts are able to summon them into visibility. In the words of Ian Parker (1992), one of the key theorists to popularise discourse-oriented work in psychology, a discourse is a “system of statements which constructs an object” (p. 5) and in a similar vein Burr defines a discourse as “systematic, coherent set of images and metaphors that construct an object in a particular way” (Burr, 2003, p. 202). ‘Things’ (including beliefs, ideas and values) are socially constructed in accordance with discourse (Friedman, 2006), and different discourses can be elicited to construct any object, idea, person, event or situation in different ways.

Second, discourses should be distinguished from ideas, attitudes and ideologies. Discourse oriented work in psychology makes a radical move in that, unlike conventional psychology, it does not locate the source of the meaning that becomes visible in texts as being inside individual psyches in the form of attitudes, feelings, thoughts, and so on. Unlike some forms of social theorising it also does not understand texts as drawing meaning from more-or-less clearly formulated ideological positions. Instead, it deliberately stays as near the surface as possible and understands discourses as existing in (and being continually shaped and reinvigorated by) texts, while texts in turn continually draw on the discourses that inhabit them. Discursive work in psychology is typically fairly doctrinaire in terms of avoiding reference to deeper psychic structures as the source (rather than the product) of meaning, but less so in terms of avoiding social structures as sources of meaning. In particular, discursive work in psychology is often concerned with power relations and how these manifest in social structures and social interaction (Powers, 2007). However, as discussed below, power is often understood from a Foucauldian perspective, so that discourses associated with apparently powerful individuals or groups are not necessarily those that always predominate. One should also take into account that discourse is merely one social practice among many, in which social construction takes place, and that discourse is merely a constructionist practice among others, or alternatively that such social practices should be understood as texts. Finally,



discourse-oriented theorists often concede that “some aspects of reality and of human experience are not social constructs” (Friedman, 2006, p. 185).

#### **5.4.1. What is discourse analysis?**

Discourse Analysis (DA) can be understood as an attempt to trace the discursive patterns that produce (and are in turn produced by) texts (Willig, 2008). Discourse analysis is more than a research method, it is a critique of mainstream psychology, “which is based on individualism and which also does not take individuals’ social context into account” (Willig, 2008, p. 95), or that thinks of individuals as existing within and being impacted by their context rather than as being one of the products of that context. Discourse analysis provides an alternative way of conceptualising language. Language is more than a tool that individuals use to relay their thoughts, affect and values. Instead, it is used to *construct* those thoughts and feelings and to achieve, through ‘talk in action’, particular social purposes.

Discourse analysis is concerned with the social organisation of talk rather than with its linguistic organisation (Willig, 2008). Discourse analysts are interested in examining texts of all sorts, including what people say and write, but also spatial arrangements (e.g., the way a taxi rank is set up, and can be read as, a kind of text) and practices (e.g., reading the actions of queue marshals at a taxi rank as text) (Coyle, 2007; Hook, 2001). Although discourse analysis rejects the simplistic realist and objectivist ideas usually associated with ‘scientific’ enquiry, it does not simply invent the objects it speaks of in without concern for the ‘data’, but instead makes sense of the data through rigorous analysis. Discourse analysts are not only interested in how texts become meaningful by virtue of the discourses that invigorate them, but also in the particular agenda (or an action orientation) that is being furthered - language not only describes things, but is used as a means to justify, interrogate, accuse and create social functions through “rhetorical strategies” (Coyle, 2007, p. 101). In addition to ‘discourse’ and ‘text’, a third concept that is often invoked in discourse analytic work is *context*. Discourse analysis acknowledges that “meaning is not static and fixed, but it is fluid, provisional and context dependent” (Coyle, 2007, p. 98). This in effect means that an idea or construction of a ‘thing’, a metaphor, could be constructed differently and is tightly dependent on a specific time and space (the context). For example, the construction of a prostitute is fluid and greatly influenced by the politics of the day: The idea of what a prostitute is keeps evolving, from ancient times, through the Victorian era and into the 21<sup>st</sup>

century. Language is not neutral but is wielded as an instrument to achieve particular effects. Language, in the form of discourses, is a tool used to construct psychological and social reality. In other words, social reality does not exist 'out there', it is constructed through language and therefore multiverse (Becvar & Becvar, 2013; Coyle, 2007). In discursive context, language is an important tool as it is viewed as a locomotive that drives the construction of taken for granted aspects of social life (Coyle, 2007). However, as it may be the case, discourse analysis does not use language as a means of gaining access to people's psychological and social world. Instead, it focuses on the public and collective reality as constructed through language use (Coyle, 2007). Young (1981) further argues that discourse analysis should not merely focus on what was said and thought per se but also on all the discursive rules and categories that were a priori, assumed as a constituent part of discourse and therefore of knowledge (Young, 1981, p. 48, cited in Hook, 2007, p. 101).

#### **5.4.2. Discourse analysis confronting mainstream psychology**

During the 1950s and 1960s, disciplines such as history, sociology, philosophy and communications began questioning understandings of language as merely a means for describing external social reality (Willig, 2008). Psychology as a discipline took a while to buy into the idea that language could be seen as constructive, productive and a social performance (Willig, 2008). Social psychology, particularly Gergen's work around the 1970s and 1980s, began critiquing psychology's obsession with cognition as something that happens inside people's heads, as well as assumption about the relationship between language and representation (Willig, 2008).

Willig (2008, p. 93-95) eloquently tackles some unfounded assumptions of 'cognitivism' and, by extension, mainstream psychology. Below is a contextualisation of these in relation to prostitution.

Cognitivism postulates that people's verbal expressions about their beliefs, values and ideals are indicative of their cognitions, which are situated somewhere in 'the mind'. This is strongly disputed by discourse analysis which argues that to understand people's talk, one should take the social context in which they speak into account. For the discourse analyst, people's speech is understood as social action and analysed in terms of what it achieves within a social context. It is therefore unsurprising to notice that people's attitudes are often inconsistent across social contexts. Take, for example, a male researcher interviewing female

participants on how many sexual partners they have had for the past three months. The responses could vary, but should be understood not only as (accurate or inaccurate) data regarding the frequency of intercourse, but also “as a way of disclaiming undesirable social identities” (Willig, 2008, p. 93) especially within a social context that celebrates chastity (for women).

Cognitivism presupposes that cognitions are based on perceptions (Branscombe & Baron, 2017), which are also imagined as living in an individual’s ‘mind’. Discourse analysis argues instead that objects and events are constructed through language and conversations, and therefore the focus should be on discourses that shape these texts, rather than on ‘mental representations’. In addition, a world can be read and understood in unlimited number of ways. Our perceptions are never the same as our worldview and upbringing is diverse (Willig, 2008). Take, for example, the story of Nelson Mandela. He was once perceived to be a terrorist and for many years was on the ‘terrorists list’ in the United States (Hues, 2011; Ndlovu-Gatsheni, 2014). For many Black South Africans, he was perceived to be a hero who sacrificed his life fighting against apartheid (Comaroff & Comaroff, 2015; Solani, 2000). Post 1994, he became an international icon of reconciliation. Mandela was an actual person, but to understand his impact in the world one has to understand how he was socially (re-)constructed across different contexts.

Cognitivism acknowledges that data is often imperfect, but insists that objective perception of reality is theoretically possible (Willig, 2008). Discourse analysis disagrees and argues that if language constructs rather than represents social reality, then there can be no objective perception of this reality. Social psychology has long held a belief that heuristics- the mental shortcut that often lead to errors and oversimplification (Branscombe & Baron, 2017) oftentimes result in biases or misrepresentation of reality. Again, from a discourse analytic perspective, the focus should be on particular discursive ways in which social categories are constructed and what purpose these serve in the conversation (and in society at large) rather on how they might bias objective perception.

According to mainstream social psychology, attitudes help us understand how people feel about objects and events, and attribution theory provides us with an understanding of how people give account of (narrate) events (Branscombe & Baron, 2017; Willig, 2008). Mainstream psychology postulates that people hold different attitudes towards and attribute different causes to events, but there is consensus about the existence of the events. In other words, “people agree on what it is they are talking about, but they disagree about why it

happened or whether or not it is a good thing” (Willig, 2008, p. 94). However, discourse analysis argues that social objects themselves are constructed through language and one person’s view of an object or event (e.g., a sexual transaction involving payment) differs from another not merely in whether they approve of it or not or in what they see as its cause, but more fundamentally in what the event actually is. Engaging in prostitution is different from doing sex work - it is not a matter of having different attitudes towards the same thing, but of participating in the social construction of two different social objects. Instead of focusing on social objects and events, discourse analysis is particularly interested in the way in which people co-construct the object or event itself through language.

Cognitivism presupposes that cognitive structures are relatively stable across time. In other words, once cognitions are formed, they become enduring. This suggests that the views people hold and their cognitive styles lie somewhere in the mind and are predictable. Changes in people’s views, attitudes, beliefs, attributions and so on can only be explained in terms of intervening variables such as novel experiences and persuasive messages (Branscombe & Baron, 2017; Willig, 2008). However, discourse analysts’ position that language is productive and performative is incompatible with this view. Discourse analysis presupposes that people’s accounts, the views that they express, and the explanations that they provide, are contingent on the discursive context within which they are produced. What people say tells us something about what they are doing rather than what they are trying to represent. If someone says “most prostitutes are sick and vectors of HIV” they are not merely describing what prostitutes are like, but are engaging in the social act of setting up prostitutes as targets for medical intervention and possible moral judgement.

There are three main approaches to the study of discourse analysis in the United Kingdom (UK) and elsewhere: Foucauldian discourse analysis, discursive psychology and critical discourse analysis (Coyle, 2007; Willig, 2008). Critical discourse analysis has its origins in linguistics and sociology and has been used in psychological contexts by Teun van Dijk (1990, 1991, and 1993) and others. In this thesis I will draw more heavily on Foucauldian discourse analysis and discursive psychology as the forms of analysis that have been more commonly associated with research in social psychology. Often, researchers draw a sharp distinction between the two, but Potter and Wetherell (1995) argue that “the distinction should not be painted too sharply and that a combined focus on discursive practices and resources is to be preferred” (Potter & Wetherell, 1995, p. 81).

### 5.4.3. Foucault and discourse analysis

Foucauldian discourse analysis (FDA) is inspired by the writings of Michel Foucault and other post-structuralist scholars who explored the role of language in the construction of social and psychological life (Hook, 2007). FDA is concerned with the discursive resources utilised by people and the ways in which discourse constructs subjectivity, selfhood and power relations (Arribas-Ayllon & Walkerdine, 2008; Willig, 2008). In addition, FDA seeks to describe and critique the discursive world people inhabit and to explore its implications for subjectivity and experience. From a Foucauldian perspective, I will be exploring what it is like to be positioned as a 'prostitute' and what kinds of actions and experiences are compatible with such a positioning.

Foucault's take on what discourse entails is somewhat different from most scholars (Hook, 2007; Willig, 2008). In his inaugural lecture titled *The Order of Discourse*, Foucault (1971) elucidated and centred his analysis of discourse within the field of political critique. The central focus of Foucault's argument was the rules, systems and procedures that constitute and are constituted by the will to knowledge (Hook, 2007). For Foucault, discourse "is both which constraint and enables writing and speaking" (Hook, 2007, p.101), and power is inscribed within discourse (Butchart, 1998; Hook, 2007). The world has a 'structural reality' which is based and constructed in terms of power relations. These power relations impact on how we talk about and understand the world (Burr, 2003).

Foucault (1981, in Hook, 2007) warns of three external systems of exclusion that effect discourse. The first exclusionary mechanism effecting discourse is the ***social procedures of prohibition*** - which reflect through taboos, rituals and privileges of speaking. The second external form of prohibition is the ***interlinked talk of politics and sexuality***. Foucault argues that politics and sexuality are where the grid of prohibition is tightest. The third and final form of external exclusion is the ***opposition between true and false***. Historically, as Foucault (1981) argued, the highest order of truth was that which inspired respect and terror, but this changed "towards the utterance itself, to its meaning, its form, its object, its relation to its reference" (Foucault, 1981, p. 54, cited in Hook, 2007, p. 104). The question of truth no longer centred on what was said or what it did but on what that said, the action orientation of talk (Hook, 2007).

In addition to the external systems of exclusion, there are also internal systems of exclusion which work internally to effect discourse and these are *discipline, the author* and *commentary* (Hook, 2007). There are some discourses which are based upon the major foundational narratives of a society and the interchange between the primary foundational religious, juridical or scientific texts and secondary cultural texts, i.e. commentaries. These discourses remain permanent, get recycled over and over again, and ultimately become common-knowledge (Hook, 2007). In effect, ‘nothing is new under the sun’ as what is spoken is the product of the repetition and re-circulation of discourse.

Commentaries are secondary cultural texts which are linked with the primary texts (that in most cases are influenced by dominant religious and juridical ideas). Commentaries function mainly as repetitions (or ‘recitations’) of primary texts. The author, on the other hand, raises the red flag through the idea of individuality, the ‘I’ who is presented as the actual source of meaning (Hook, 2007). Instead of asking what is revealed by the author in a text, Foucault suggest that we ask instead about what possible subject positions are made possible within texts - including the subject position of ‘author’. The identity of the author does not matter, what matters is his/her subject position and the action of a text, its political force (Hook, 2007).

Discourse analysis challenges naive analyses of texts that confine themselves to truthfulness, because what counts as ‘truth’ is the product of discourse and power. It is that ‘truthful’ discourse which should be analysed with the aim of providing an alternative point of view that does not correlate to what is ‘true’. Hook (2007) warns that since ‘truth conditions’ are a function of discourse - that is, they are extremely stable and secure because they are located in a highly specific context of historical and socio-political circumstances, and therefore they must be thoroughly deconstructed.

FDA studies the availability of discursive resources within a culture and the implications that this carries for those living within that culture (Burman, 1992; 1995; Burman & Parker, 1993; Hollway, 1989; Parker, 1992). Dominant discourses often become so common that people use them in everyday talk. However, that does not mean that ‘other’ discourses will always be silent. As such, their silence becomes a ‘thing’ that is not said but which does not necessarily mean that it cannot position itself as a ‘counter discourse’.

Foucauldian discourse analysis sees *history* as key to understanding discourses. FDA presupposes that discourses change over time. They are influenced by particular events and

processes that are unique to that historical context. Chapter 2 attempted to show that discourses on prostitution are geographically and historically intertwined with local events. For example, discourse on prostitution during the Convict era and Victorian Britain was dominated by morality, and in recent years, has been dominated by a more medicalised ‘fear-mongering’ discourse. This of course, does not necessarily mean that discourses cannot transcend time and place. For example, although constructions of prostitutes as ‘vectors of diseases’ and as ‘morally bankrupt’ have varied in prominence, they have been present in one form or another across time and place - from medieval Europe to modern Africa. In addition to changing over time, discourses shape historical subjectivities (Gonzalez-Rey, 2018; Neocosmos, 2012; Willig, 2008). Foucauldian discourse analysis therefore believe that researchers should attend to change and transformation because no discourse remains dominant forever, and the social construction of reality through discourse is characterised by constant evolution.

In addition to focusing on the analysis of ways of speaking and writing, Foucauldian discourse analysis is particularly interested in *institutions*. Discourses are bound up with institutional practices, that is, ways of regulating, organising and administering social life, and these structures in turn support and validate the discourses that help to bring them into being (Phillips, Lawrence & Hardy, 2004; Kang, 2014; Willig, 2008). A researcher using FDA is interested in the reciprocal relationship between discourse and how people think or feel (subjectivity), what they do (practices) and the material conditions within which such experiences take place (Hook, 2001; Mollinga, 2010; Willig, 2008).

Foucauldian discourse analysis adds an additional feature to the analysis, namely *positioning*. This means that when an individual is constructed through discourse, he or she is accorded a particular subject position within that discourse which brings with it a set of images, ideas and obligations concerning the kind of response that can be made. An example could be seen in a prostitute talking about herself as a victim of her socio-economic circumstances. This would conventionally be understood as an account of what her life is like and how she feels about it - not necessarily a fully accurate account, but an authentic one provided by the person who is most closely involved. From a FDA perspective, the emphasis would be on how the text draws on different discursive resources to set up the subject position of authentic authorship and of being a victim of circumstance, which the prostitute is then able to inhabit. Discourse authors the speaking prostitute (and other textual ‘objects’) as much as the text is, in turn, authored by a speaking prostitute. The displacement of agency in FDA from the

author/speaker to the text (or the discourses that run through the text) might relate to how talk about prostitutes is governed by either conferring agency on the prostitute or by displacing it onto social circumstances/perpetrators. Conventional analyses of prostitutes' talk contain an ironic contradiction in that they proceed as if the prostitute is the author of her text (the words that come out her mouth) but then accepts her word for it if she says she is not the author of her life. Can a person who is in servitude speak truly about their life situation or has their mind also been enslaved?

In using Foucauldian discourse analysis as a theoretical and an analytic tool, I am interested in the following kinds of knowledge. First, I aim to map the discursive worlds people inhabit and to trace possible ways-of-being afforded by these discursive worlds. Second, I aim to place current discursive and social structures and institutions within their historical context. Third, I aim to trace how particular versions of prostitution-related phenomena are enacted in contemporary texts. In doing this, I hope to produce an outline of the discursive economy within which we find ourselves with regard to prostitution, how it got to be this way historically, and what this means for us as human subjects (Willig, 2008).

#### **5.4.4. Discursive psychology**

Discursive psychology is not entirely distinct from Foucauldian (or other forms of) discourse analysis, but does have a somewhat different history and approach. It was inspired by the work of scholars who were using ethnomethodology and conversation analysis in order to understand meaning in local interactions in everyday context (Coyle, 2007). Discursive psychology studies what people do with language and is concerned with the performative qualities of discourse (Coyle, 2007; Willig, 2008). A researcher who uses discursive psychology is interested in *how* people *use* discursive resources that are available to them in order to achieve interpersonal objectives in social interactions. Like other forms of discourse analysis, discursive psychology is not interested in producing knowledge about the 'true' nature of a phenomenon such as prostitution, but in understanding the processes by which 'objects' are socially constructed and brought into being through language.

For example, a researcher working with prostitutes could focus on how the 'victim discourse' or 'agency discourse' plays itself out in the researcher-prostitute conversation, and most importantly, what function or objective this serves. When participants talk about 'victimisation', the question to be asked is what are they doing with their words (i.e.



pleading, giving the researcher what they think s/he wants to hear, blaming, exposing, rallying support, or wanting to be pitied, among many other possibilities)?

Discursive psychology is interested in traditional psychological concepts such as memory, but treats them as the product of discursive actions (Coyle, 2007). This means that instead of trying to understand how a phenomenon such as memory functions in individual 'minds' or brains (as most cognitivist psychologists would do), they are instead interested in their interpersonal function and what objectives they serve. These linguistic interactions that discursive psychologists wish to trace are ubiquitous - they happen in everyday settings, such as work, school and home, and in institutional contexts such as churches and brothels.

Discursive psychology adopts a thorough-going social constructionist position which postulates that although there may be a 'material reality' our everyday language use should not be understood as a reflection of that reality, but as constructing social realities.

The main criticism of discursive psychology is its exclusive focus on discourse (Willig, 2008) and for "the lack of a person" (Langdridge, 2004, p. 345). Discursive psychology does not fully address subjectivity (which Foucault focuses on) - our sense of self-awareness, autobiographical memories, and intentionality. It mainly focuses on how discourse is constructed, its functions and the results emanating from different discursive organisation. The human element is neglected. This separation of a person from what s/he says and the focus on ways in which people negotiate their meaning in conversation with one another to the exclusion of a 'person proper' is problematic and has been perceived to be a shortcoming of discursive psychology. Discursive psychology's focus on language in context has also been criticised because it often discards the social and material context in which conversation takes place, proceeding as if (to borrow a phrase from Derrida, 1976, p. 158) 'there is no meaning outside the text'.

There are key differences between Foucauldian discourse analysis and discursive psychology. According to Willig (2008) the differences centre around their different approaches to agency, research questions, and experience. Discursive psychology constructs a speaker as an active agent who *uses* discursive strategies to manage and stage social interactions.

Foucauldian discourse analysis, by contrast, draws attention to the power of discourse to construct its objects, including human subjects, and including the author/speaker. The availability of subject positions enables and constrains what can be said, done and felt by the individual.

In terms of research questions, discursive psychology is interested in how participants use language to manage a stake in social interactions, whereas Foucauldian discourse analysis is interested in what characterises the discursive worlds that people inhabit and what the implications are for possible ways-of-being.

Discursive psychology conceptualises experience as a discursive move whereby speakers may refer to their ‘experiences’ to validate their claims. For example, a prostitute who refers to her experience of abuse at the hands of police officers in an interview (e.g., “many times they have taken my condoms and demanded that I have sex with them!”) is not merely stating facts, but making an interpersonal appeal for these factual claims to be considered valid on the grounds of having been directly experienced by herself. Foucauldian discourse analysis also treats references to personal experience with suspicion, and for similar although subtly different reasons. From an FDA perspective, a speaker does not freely wield experience as an interactional rhetorical tool, but some speakers may occupy subject positions that *require* them to appeal to the social construct of direct personal experience in order to produce intelligible speech. For example, the prostitute referred to above is constrained by her subject position not to discuss, for example, how prostitution emerges in the interplay between base and superstructure as understood from a post-Marxist perspective (or any similar high-flown academic account of her circumstances), but is constrained to position herself as a victim of, and first-hand witness to, corrupt law enforcement practices. Consequently, in FDA an exploration of the availability of subject positions are always necessary, in order to foreground the implications for possibilities of selfhood and subjective experience.

## **5.5. Conclusion**

In this chapter I presented some theoretical underpinnings for this thesis, informed by critical social theory, social constructionism and discourse analysis. I argued that these three approaches should be viewed as parallel and that they can be used in concert in order to provide a deeper understanding of prostitution.

The works of Horkheimer (dialectical mediation), Adorno (Authoritarian personality), Habermas (discourse) and Honneth (power and liberation) are particularly useful to understand the discursive constructions of sex workers. For instance, Horkheimer’s ideas on dialectical mediation could be used to overcome categorical fixities and oppositions. Whether prostitutes are victims or agents, should not be viewed in mutually exclusive terms, but the

focus should be on unpacking the discursive constructions that position prostitutes as victims or agents and determines what subject positions are available to them.

Discourse theory, particularly Foucauldian-inspired work, contributes in helping to unpack the historicity of discourses, the role of institutions, and how discourses are bound up with institutional practices, that is, ways of regulating, organising and administering social life.

In the following chapter I revisit Foucauldian discourse analysis from a more directly methodological perspective, despite the fact that Foucault was always cautious of what Danziger (1990) labelled 'methodolatory'. In the chapter, I consider how to make practical use of Foucault's analytic concepts of history, the evolution of discourses over time (genealogy), governmentality, and subjectification, in making sense of texts about prostitution.

## CHAPTER 6

### AN ENCOUNTER WITH DATA

#### 6.1. Introduction

This chapter will take the reader through the journey I undertook to ‘author’ an empirical encounter with data relating to sex work. The reason for using ‘author’ instead of ‘complete’ is because discourse analytic work is never complete (Willig, 2008) and thus the ‘final’ report is merely a product of the researcher’s construction of a particular topic.

This thesis is not structured as a conventional research report (arranged around a literature review, method and results), but rather as a series of iterative approaches to the topic, based on different types of (broadly discourse analytic) readings of academic, historical and political materials. At this point in the process of attempting to make sense of the phenomenon of sex work, I turn to two sets of materials that are more concretely demarcated than those used in previous chapters, and that can be more conventionally understood as ‘data’. In this chapter I provide an overview of how I gathered and analysed the materials, and in the next chapter present a discourse analytic reading of what I found.

#### 6.2. My purpose in approaching the materials

As in the rest of the thesis, my purpose here is twofold: To elucidate the life worlds of sex workers and to trace the discursive patterns that shape how sex work and sex workers are socially constructed. As seen in the chapter on the history of prostitution (Chapter 2) and in the chapter on the idea of prostitution (Chapter 3), different discourses are used to construct what we know a prostitute to be. Here I again consider the discursive resources and interpretative repertoires that are used to construct the world of sex work, but focus more narrowly on a specific, controversial, policy document and on interviews with sex workers themselves. In doing this, my intention is to move from the broad strokes employed in previous chapters to a more detailed and tangible sketch of the minutiae of how sex work is continually ‘spoken into existence’ in South Africa today. I also trace how these contemporary prostitution discourses are bound up with institutional structures and practices, and how these structures and practices in turn support and validate everyday discourses.

### **6.3. Gathering materials**

I gathered material in three overlapping phases: Observation in settings where sex workers gather (including informal conversations with male clients), multiple readings of a Department of Justice and Correctional Services report on adult prostitution in South Africa (Project 107), and semi-structured interviews with female sex workers. Prostitution is often seen as a sensitive and controversial topic, especially if one attempts to interact (and collect data) through face-to face interviews with sex workers. For that reason, I decided to become more acquainted with the world of prostitution before attempting to interview sex workers themselves. I also had in mind the concept of ‘triangulation’, and drawing information from different sources so as to build a rich and ‘thick’ understanding of the phenomenon.

#### **6.3.1. Observation**

My sense was that I could best ‘get a feel’ for the space that I had decided to explore by informally participating and observing in settings related to prostitution. My interest in sex work stemmed, in part, from my participation in a large study on hate/bias related crimes in South Africa, which inter alia focussed on sex workers. Researchers such as Fick (2006, 2007), Green (2016), Gould and Fick (2008), Ritcher (2013), Scorgie et al., (2013), and Rangasami et al., (2016) have argued that sex workers are often victims of physical abuse because of the prejudicial attitudes of clients and law enforcement officials based on their work. The hate crimes project was a stepping-stone as it exposed me to the life-worlds of women who sell sex for a living. I also became familiar and comfortable in talking with sex workers, which was an advantage later, when I conducted semi-structured interviews with some of them. Through my involvement in the hate crimes project I also became more familiar with the academic, professional and activist spaces that exist around the phenomenon of prostitution.

One of the organisations that I came into contact with is SWEAT, which is described in more detail in a previous chapter. SWEAT offers an outreach programme in terms of which a team of peer educators visit sex work ‘hotspots’. During these visits, they reach out to sex workers by providing them with information on how to protect themselves from abusive clients. They also provide sex workers with condoms, pamphlets on safer sex practices, and pamphlets on free legal services that are available for sex workers. I was invited to join the team of peer educators on three occasions. We visited sex work ‘hotspots’ in the inner city of Johannesburg. Being part of the outreach team provided me with insights on how sex workers

interact with their clients, one another and with the general public. One must remember that these interactions happen naturally, and I felt privileged and humbled to be afforded an opportunity to experience the lives of sex workers in natural settings and ‘as it happened’.

In addition to the (perhaps somewhat safe) opportunities for observation offered by my connection with sex worker organisations, I felt it was necessary to observe interactions between sex workers and their clients in a different type of setting as well. I accordingly, over a period of about three months, paid occasional visits to a public bar where sex workers frequently mingle with potential clients. I typically stayed at the establishment for about an hour, and repeated the process seven times. I chose the bar as everyone is welcomed and I did not require special permission from the owner.

I also informally mingled with potential clients during the visits. It was relatively easy to talk with them as they saw me as ‘one of their own’. Although these interactions were not intended as formal interviews, I made a point of informing the men I spoke to that my purpose for being there involved getting a sense of the world of prostitution as background for a more formal study. These short discussions helped me to gain a contextual understanding of the culture and the ideas surrounding prostitution.

### **6.3.2. Department of Justice and Correctional Services report (Project 107)**

On 26 May 2017, the South African government (through the Minister of Justice, Michael Masutha, and his Deputy, John Jeffrey) hosted a press conference in Pretoria to make an announcement regarding whether prostitution might be decriminalised. The much-anticipated announcement flowed from the work of a Commission of Enquiry that had been set up specifically to investigate the possible decriminalisation of prostitution. The process began in 2009 after the South African Law Reform Commission (SALRC) released a Discussion Paper regarding adult prostitution for public comment. In response, the then Deputy Minister of Health, Nozizwe Madlala-Routledge, established the commission and mandated it to undertake the task of reviewing the fragmented legislative framework that currently regulates adult prostitution in the country, and to propose legal reforms. To the disappointment of many, when the commission’s report was released, after eight years of deliberation, it recommended that prostitution should not be decriminalised. I base the second part of the analysis in the next chapter on this report.

### **6.3.3. Conversations with female sex workers**

In addition to many informal conversations, I formally interviewed five sex workers. I met with them at the Sex Workers and Advocacy Taskforce (SWEAT) offices in Johannesburg. SWEAT's provincial coordinator, who was very supportive of my project, put me in contact with a peer educator (who was also a male sex worker), who in turn introduced me to women who were willing to be interviewed. Therefore, snowball sampling was used to recruit participants. The women I spoke to were all self-identified heterosexual sex workers who had been in the sex industry for more than three years, and who were over 18 years of age. Three of the women were South African and two were immigrants, one from Zimbabwe and the other from eSwatini. The semi structured interviews lasted between 45 minutes to an hour. I used English for some participants and IsiZulu for those who were uncomfortable with the former. I did my own transcription and translation for those interviews conducted in isiZulu.

The SWEAT offices are located in Johannesburg's inner city, next to Ghandi Square. It is an area that has seen some upgrading and renovation, but is still in close proximity to somewhat seedier parts of the inner city. As detailed in the previous chapter, SWEAT is an advocacy and support organisation that works with sex workers. In addition to providing various support services, the organisation aims to mobilise sex workers across Africa and to defend the human rights of sex workers (SWEAT, 2016). Their main offices are in Cape Town, with regional offices in East London, Johannesburg, Klerksdorp and Polokwane. SWEAT considers sex work to be a consensual (sexual) service in exchange for money, goods or housing among adults and warns against the (un)intentional conflation of sex work with trafficking, child prostitution and pornography. In recent years, SWEAT has been at the forefront of advocating for the decriminalisation of sex work (Manoek, 2012).

SWEAT's Johannesburg office is often frequented by sex workers who ply their trade in the city centre, but also by sex workers from surrounding townships such as Soweto and Alexandra. Most sex workers who visit the office do so because they require assistance with legal, health or 'psychological' matters. This, according to one informant, is because of the constant victimisation they endure from clients and police.

Johannesburg is often presented as the economic hub of Africa (Rogerson & Rogerson, 2015) and is located in the wealthiest province of the country, Gauteng. It has a population of almost five million (Statistics South Africa, 2017), the largest of any South African city. The status of Johannesburg as the 'city of gold' often attracts people who seek better work

opportunities and this image of Johannesburg as an ideal work destination is not a new phenomenon. The discovery of gold around 1886 prompted the beginning of migration by individuals, particularly men, who supported families in other parts of South Africa and other Southern African countries such as Mozambique, Zambia, Namibia and Lesotho.

The history of prostitution in Johannesburg is intricately linked to its status as an economic magnet for job-seekers. For example, Stadler (1979) describes how, in the 1940s, high rates of unemployment, the high cost of living and low wages led to the rise of the squatter movement, which was concentrated in and around Soweto and Alexandra (Stadler, 1979). According to one municipal welfare officer:

*“99 per cent of the squatters are intruders from outside the Johannesburg area... the vast majority of these intruders are adventurers and gamblers, particularly among women, of a type attracted to Johannesburg by the prospect of making money from organized prostitution and illicit liquor selling”* (cited in Stadler, 1979, p. 105).

This pattern, of prostitutes being seen as associated with a wave of unwanted immigration that causes social decay and strife, persists into the present. Many prostitutes are indeed motivated to take on sex work for socio-economic reasons (Monroe, 2005; Richter, 2008) and some do migrate from elsewhere (or are attracted by the availability of male immigrants who are temporarily separated from their families).

Thus the sex workers that I saw in the streets of Johannesburg and spoke to in the comfort of the SWEAT boardroom, were (in addition to being on their own individual life journeys) in some sense re-enacting and contributing to the larger story of prostitution in cities such as Johannesburg. As I listened to them speak I could see in my mind’s eye how they were part of a long procession of Johannesburg women who have walked this path for more than a century.

#### **6.4. Data analysis**

I made use of both Foucauldian Discourse Analysis (FDA) and Discursive Psychology (DP) in analysing texts for this project. FDA and DP both focus on the availability and use of particular discursive constructions among a group of people. FDA, as suggested by Willig (2008) and Walton (2016), takes into account the importance of the ‘action oriented’ nature of talk, and DP is likewise also interested in unpacking discursive strategies people use to



achieve interpersonal effects such as disclaiming responsibility for undesirable outcomes (Willig, 2008).

#### **6.4.1. Stages in the analysis process**

FDA can, in its simplest form, be broken down into six stages: identification of discursive constructions and objects, identification of wider discourses, unpacking the action orientation of talk, identification of ways in which subjects are positioned, the practice of discourse, and subjectivity (Walton, 2016; Willig, 2008). These stages are in no way intended as a recipe or cast in stone. Below I will discuss each stage, and in addition to these six stages, I will also analyse how *historicity of discourses*, their *genealogy*, and the concepts of *governmentality* and *subjectification* are intertwined to produce ways of talking that regulate and validate our ‘everyday talk’ on prostitution. The analytic process was structured in terms of the FDA stages and concepts, but ideas from DP were incorporated where appropriate.

Before starting on the six stages of analysis, certain basic ‘rituals’ need to be performed in order to get a sense of what it is that is required to be analysed; these include matters such as careful transcription of texts collected in audio form, tagging texts in terms of how they were produced (e.g. who the speaker is) and initial reading of the text. Whatever form of analysis one uses, it is always helpful first to read the text carefully, if need be repeatedly, until one has a sense of “what the text is doing” (Willig, 2008, p. 99). This helps to give a sense of the scope of the text (what is included and excluded) and gives an intuitive sense of the discursive effects operating in the text. For example, one might be struck by how a transcript of an interview with a sex worker seems to repeatedly circle around issues related to ‘family relationships’, with much discursive labour going into setting up a distinction between ‘normal’, happy families versus conflicted and dysfunctional ones. These initial insights that arise from careful, open-ended reading of the text are not meant as the final word in the analysis, but as a way of starting to enter into a conversation with the text.

##### **6.4.1.1. Identification of discursive constructions**

The first stage of Foucauldian discourse analysis focuses on identifying the discursive objects that are constructed in the text (Willig, 2008). Typically, scores of discursive constructions can be identified in even the briefest text and there is some utility in trying to make as exhaustive a list as possible of what these constructions or objects are. However, ultimately the discursive constructions that one chooses to focus on are dependent on the research question (or at least the broad theme) of one’s project and attempts should be made to flesh

out all instances that relate to discursive objects that are of interest. For example, if a researcher is interested in how ‘cheating’ is socially constructed, reference should be made not only to keywords related to cheating such as ‘betrayal’ and ‘hurt’, but also to how other constructs (such as marriage) are linked to the discursive object. It is important to note again that implicit references are also important to make sense of the discursive object (Walton, 2016).

#### **6.4.1.2. Identification of wider discourses**

After fleshing out references that are intertwined with the discursive object(s), the next stage in the analysis process entails exploring relationships (or lack thereof) between constructions, taking into account the possibility of the same discursive object being constructed in different ways. The central focus of this stage is to “locate the various discursive constructions of the object within wider discourses” (Willig, 2008, p. 115). For example, if a researcher is interested on how people construct apartheid (in South Africa), some people would draw on religious and nationalist discourses when they talk about the separation of races, a social psychological discourse when they talk about prejudice and discrimination, and an economic discourse when they talk about the exploitation of Black migrant workers in the cities.

#### **6.4.1.3. Action orientation of text**

This stage entails a closer examination of the ‘functionality’ of texts (Willig, 2008). Texts often have an explicit action orientation function (i.e., blaming, disclaiming) and these tasks are accomplished discursively. Even texts that are not obviously intent on achieving some clearly defined purpose, but appear to be neutral accounts of external reality, in fact work to produce certain outcomes - not least being making it appear as if a neutral, factual and external reality exists. In order for a discourse analyst to properly unpack the constructive and functional dimension of texts, the context, variability and construction of discursive patterns should be closely attended to.

#### *Context*

The context within which an account is produced provides an analyst with information about the organisation and function of the account, i.e., its action orientation. In addition, Potter and Wetherell (1987) argue that speakers use different interpretative repertoires to construct objects, subjects, events and so forth and that these repertoires are dependent on context.

## *Variability*

People often oscillate between two or more ways of talking (variability in their talk) because they orient towards the context within which they speak. Discourse is organised to accomplish social functions so it should not come as a surprise that the way of locating the discourse lies in identifying the surrounding text in order to be able to identify the functions to which the discourse is put (Willig, 2008), therefore “each person has a variety of voices (Billig, 1997, p. 44).” Variability in accounts draws attention to the requirements of the discursive context within which speakers are located and the ways in which they orient towards such requirements.

## *Constructions*

Discourse “constructs the objects of which it speaks” (Foucault, 1972, p. 54). This means that objects (people, events, topics, processes) are not just ‘talked about’, but are ‘constituted’ through discourse. As a discourse analyst, one must be concerned with asking questions such as how participants construct discursive objects in language, and what are the consequences of different types of constructions?

Context, variability and constructions allows the analyst to trace the action orientation of talk (Willig, 2008). For example, language that constructs prostitutes as sick, uneducated, whores creates prostitution as a social, medical and moral problem that needs to be eradicated or remediated. Descriptions (what prostitutes are like), explanations (why they are like that) and evaluations (how the speaker or author feels about them) work together to recruit people into a particular programme of action in relation to prostitution.

It is also important to focus on the underlying forms of knowledge in which the truth claims are rooted (Hook, 2007). This entails examining the discursive processes by which true and false statements become distinguished (Willig, 1999). It is also important to detail the underlying forms, conditions, and criteria of reasonable knowledge on the basis of which truthful statements can be made (Hook, 2007).

### **6.4.1.4. Subject positioning**

After identifying discursive constructions, locating them within wider discourses and exploring the action orientation of text, the next stage is to examine the subject positions that discourses offer (Walton, 2016; Willig, 2008). Since discourses construct subjects and objects, “it makes available positions within networks of meaning that speakers can take up”

(Willig, 2008, p. 116). The concept of subject positioning is similar but not identical to that of roles: Subject positions offer discursive locations from which to speak rather than prescribing a particular part to be acted out. Subject positioning is more than performativity as it goes an extra mile in that it locates a speaker within a discursive landscape.

#### **6.4.1.5. Practice of discourse**

This stage is characterised by the relationship between discourse and practice. The analyst is required to explore ways in which discursive constructions and the subject positions contained within them open up or close down opportunities for action (Willig, 2008). This stage is closely related to the ‘action orientation of text’ stage, but takes it further in that the focus is not only on what effects a particular text attempts to achieve, but on the entire array of ‘opportunities for action’ that is made available by the discursive landscape that the text inhabits. It is important to note that non-verbal practices are also shaped by and in turn shape discourses, and contribute to while also limiting what can be said and done. Certain practices become so closely associated with certain discourses that they become ritualised or ‘official’ forms of behaviour within these discourses, for example public prayer within what could be labelled ‘church discourse’. As important as the overt action possibilities opened up by discourse are all the things that cannot be, or simply are not, said and done. The contours of the discursive landscape are formed as much by the peaks of action as by the valleys of what is not done.

#### **6.4.1.6. Subjectivity**

The subjectivity stage is closely related to a previous stage, that of positioning. Subject positioning is concerned with the ‘locations from which to speak’ that are created by discourses, and this strongly impacts on the speakers subjectivity. The analyst is therefore required to trace ways (and consequences) of taking up various subject positions for the speaker’s subjective experience (Willig, 2008). Exploring speakers’ rhetorical positions serves to identify explicit and implicit goals and identities associated with the ideological position of various groups (Wooffitt, 2005).

#### 6.4.2. Key analytic concepts of Foucauldian discourse analysis

In addition to the six analytic stages outlined above, I also analysed the data taking into account Foucault's position on the 'historicity' of discourses, and the concepts of 'governmentality' and 'subjectification' involving power, confession and surveillance (Arribas-Ayllon & Walkerdine, 2008; Danaher et al., 2000).

Psychology (together with psychiatry) has been used as a discipline that facilitates domination and obedience (Schirato et al., 2012; Visker, 1995). Foucault (in his seminal works *Mental Illness and Psychology* (1962) and *Madness and Civilization* (1961)) takes a strong swipe at the disciplines of psychology and psychiatry (Visker, 1995). He argues that the fields of psychiatry and psychology, "through procedures and agendas of disciplinarity, construct what is called, a knowable man, whose constitutive condition sets in place some epistemic and discursive prerequisite, for psychological individuality" (Foucault, 1977, p. 305). Hook (2007) echoes Foucault's argument and further postulates that "the para-psychological entity of the soul, whose design, deployment and management is central to disciplinary control, is both the subject-and object-effect of psychology" (p. 26). This individual is often constructed as independent of his or her milieu. Butchart (cited in Hook, 2007) further points to two interrelated technologies that were introduced by[in] psychology - the technology of confession and the technology of listening. The former has to do with disclosing the most intimate, confidential and secretive thoughts and ideas by an individual. Psychology used the technology of listening to encourage the individual to confess, thereby playing an active role in disciplining him or herself from within.

An example could be a patient in a psychiatric facility who is positively reinforced for obeying the 'authority' by being given a free pass. Another example of psychology attempting to dominate an individual is through hypnosis as the patient is at the mercy of a therapist. A hypnotist is in control and dominates a patient. This procedure of confession often consolidates the authority of experts. This consequently perpetuates the notion that an individual is largely dependent on the expert (i.e., the psychologist or the psychiatrist) to understand themselves or as Foucault observes that the individual can only know the truth of their own internal nature through the mediation of such experts - psychologists, psychiatrists or hypnotist (Foucault, 1977, cited in Hook, 2007).

#### 6.4.2.1. The historicity of discourses

History, for Foucault is central to understanding a phenomenon, but more so, contesting the way in which history is constructed. For example, in his *Historie de la folie* (History of madness; Foucault, 1961), he provides a counter-intuitive historical critique of the idea of madness by casting doubt on the dominant interpretation that ever since the middle ages madness has been approached in an increasingly humane and scientific manner (Visker, 1995).

Closely related to history is Foucault's idea of power. If there is one constant theme in Foucault's work, it must be his consistent critique of authority and power. Foucault views history as an ongoing struggle between different forces and forms of power. The implication is twofold: First, history is not driven by some kind of inexorable logic (such as scientific progress or the growth of democracy), but by sheer unfettered contestation between different forces. Second, the version of history that will dominate at any time depends on what array of forces has come out on top and is currently in control. This is why, for example, current historical accounts typically assume an upward trajectory of scientific understanding, democracy and secular humanism - not because the history that brought us to the present necessarily unfolded in that way, nor because science and humanism are the 'invisible hands' that steer history, but because scientism and the idea of individual human rights are the forces that are currently dominant in global society.

One therefore constantly needs to question why certain types of accounts appear more convincing than others, and what measures and technologies are being used to silently coerce people into believing these accounts. At one level this encompasses falsification of 'what really happened' and propagandistic interpretations of it, as for example the history that was for many decades taught at South African schools in support of the Nationalist government ideology in order to directly deceive the majority of Black pupils. The arrival of people such as Vasco da Gama, Jan van Riebeeck and other traders (and later colonists) in South Africa has for many generations been constructed in a positive light. Narratives of white people or settlers as business-minded traders who saw an opportunity for benign 'free trade' are common. Different kinds of stories, such as about a vibrant system of pre-colonial trading among local people, good living conditions, and methods to keep cordial relations among different tribes and nations, remain largely unheard (or are reduced to the level of folklore) because the historical victory went to the colonisers, and 'might is right'.

At another level, the deceptions inherent in historical accounts go beyond such direct manipulation designed to serve particular agendas. Even the most ‘objective’ and ‘neutral’ historical account is always already infused with the toxic assumption that current social understandings and arrangements are somehow logical and historically inevitable, rather than the consequence of an epistemological war that obeys only the logic of naked power.

In addition to the problem of which event is the true reflection, Foucault brings to the attention the position of an historian (Schirato et al., 2012). Foucault argues that an historian occupies a ‘privileged’ position by being located at a place that exercises authority, such as a university, museum or a political party. This locatedness influences and shapes how past events are constructed. The version is not merely that of a lone historian, but is shaped and influenced by the ideology, procedures and policies of the institution where she is located.

This is why Foucault presents himself, and is generally understood, as an ‘historian of the present’ (Schirato et al., 2012). Foucault approached history by interrogating topical issues during his time (for example, prison reform) by tracing the historical roots or events that shaped the contours of the ‘problem’, because he recognised that we reconstruct the past in order to serve the (epistemological) interests of the present. These statements imply that history is not fixed, linear or a single entity but is overlapping and multifaceted (Schirato et al., 2012).

Foucault’s idea of counter-history argues that history should illuminate the present from the past rather than shedding light on the past from the present (Visker, 1995). He then suggests the process of ‘genealogy’ - tracing the evolution of discursive formations over time (Arribas-Ayllon & Walkerdine, 2008; Willig, 2008) -, which is described in more detail below.

#### **6.4.2.2. The evolution of discursive formations over time**

Genealogy, as used by Nietzsche (at least in academic circles) is largely focussed on the arbitrariness, confusion, messiness of history and the erratic and violent exercise of power (Schirato et al., 2012). Genealogy attempts to provide an analysis of how ideas are produced, activated and spread within and across cultures over different time and place (Hook, 2007).

Foucault, like Habermas (1986), argued that history and power are closely intertwined. Foucault’s concept of genealogy, is a technology for unpacking the discursive formations and practices driving different historical processes and events and how they came to dominate

over others (Gordon, 1972). For Foucault, values and dispositions of the past (for example, a particular idea of truth or a belief system) are not purely abstract, but tangibly attach themselves to the body. He puts it thus: “Genealogy, as an analysis of descent, is thus situated within the articulation of the body and history” (Foucault, 1986, p.148, cited in Schirato et al., 2012, p. 39). Genealogy focuses on the body because it is where power is directed and also where it manifests (Schirato et al., 2012). As Schirato et al., (2012) explain it: “Power shows itself on a subject’s body because various events or happenings are ‘written’ on the body” – they shape the ways in which we perform or act out our bodily selves (p. 5).

However, it should be borne in mind that the kind of power that Foucault speaks about is not ‘sovereign power’ (the type of power that a powerful person possesses and that she exercises over others, but ‘disciplinary power’ (the type of power that is embedded in and operates through the entire web of social relations); for Foucault power is not the result of a primary cause (God bestows power) or a thing in itself, but relational, arbitrary and unmotivated (Hook, 2007; Schirato et al., 2012).

#### **6.4.2.3. Governmentality**

This section borrows heavily from Schirato et al., (2012), who attempt to simplify how Foucault understood the concept of governmentality. The state, according to Foucault, is different from what some sociologists and political analyst construct it to be. The state is not a crystalised entity, but “a practice, or rather a rationalisation of a practice” (Foucault, 2008, p. 4, as cited in Schirato, 2012, p. 6). For a state to maintain itself, it requires reinforcement, renewal of people into a population through transformation, utilising disciplinary technologies and punishment through imprisonment. In order to have a strong grasp on its population, the state uses apparatuses and interventions in fields such as education (through compulsory schooling and prescribing school and university curricula), health (drafting policies such as non-smoking in public places and controlling alcohol and tobacco advertisements), and the military and police (for those cases where the direct exercise of the state’s authority is required). Foucault further argues that the state is made up of a combination of discourses, interconnected forces, institutions, fields, technologies, actions and contexts that work together to produce ‘things’ such as citizens, docile bodies and expressions of patriotism (Schirato et al., 2012).

According to Foucault technologies, disciplines and institutions such as churches, schools, and military barracks are used by the state to produce ‘docile’ and ‘obedient’ individuals who



will ensure that the state machinery works properly. Importantly, at least in relation to the moralistic discourse that applies to sex workers, the church positions itself as a moral gatekeeper who is responsible for making sure that the ‘sheep’ do not go astray. Sex workers’ bodies have for a long time, been a site of power where the state through laws and the church, exercises power and controls their bodies.

#### **6.4.2.4. Subjectification**

Foucault’s life and work was dedicated to the understanding and construction of a history of the ways of how human beings have been made into subjects (Schirato et al., 2012). For example, in the three volumes on the history of sexuality, madness and civilisation and in ‘Discipline and punish’ he traces how people are constructed and construct themselves, through discursive formations, within the limits imposed by time, place and regimes of power (Schirato et al., 2012). Individuals become subjects because of power, and the idea of a subject flows from the various networks, relationships and discourses within which the individual is located (Schirato et al., 2012). In order to understand subjects, we must unpack relationships, values, ideas, beliefs, situations, laws and ways of being that shape discursive constructions, including the constructions of individuality and subjectivity. These are entrenched in our everyday context and culture. Foucault was sceptical of what could be termed as ‘history of a man’ or of an ‘individual man.’ The individual takes on different forms in different historical periods; human beings are contingent products of history rather than somehow innately human (Schirato et al., 2012).

Foucault’s focus is not on ‘sovereign’ power (power that is exercised from above to suppress subjects) but on disciplinary power (power that is completely enmeshed in the social fabric and which creates subjects); it is in fact disciplinary power which creates the type of subject that is able to (mis)recognise him or herself as an object of repression by ‘sovereign’ powers (Foucault, 1977). We shall see in the next chapter how prostitutes construct themselves as such objects of repression (through what Foucault would call ‘technologies of the self’) and thereby confine and constrain themselves by internalising mechanisms of power which are brought to bear on them from outside (Schirato et al., 2012).

Technologies of the self, which are mechanisms that produce and regulate human subjects, operate to confine and constrain, but also to enable, individuals. Foucault (1985) defines technologies of the self as “reflected and voluntary practices by which men not only fix rules of conduct for themselves but seek to transform themselves, to change themselves in their

particular being, and to make their life an oeuvre” (p. 10). Pursuing an education, going to the gym, working to acquire the ‘seven habits of highly effective people’ are all technologies of the self, as are more mundane and less obviously goal-directed everyday actions such as talking about oneself as a subject with a history, future plans, likes, biases and so on. This type of ‘confessional’ technology, as previously pointed out, is central to how psychology colludes with modern subjects to turn themselves into projects.

Prostitutes are directly victimised and punished by ‘sovereign powers’ such as the police and the courts, but as importantly they are constantly being re-produced, as prostitutes, by disciplinary powers and by technologies of the self that they participate in.

## **6.5. Ethics**

Permission to conduct this study was obtained from the research ethics committee of the Department of Psychology at the University of South Africa (see Appendix C). Consultations and prior arrangements were made during the preliminary phases of the research process with the SWEAT head office, as well as with their Gauteng provincial office. During these initial consultations, rapport was established with sex workers and sex worker advocates. My experience having worked with sex workers for more than six years aided in gaining entry into the institution and access to the life worlds of prostitutes. Informed consent was requested from participants who volunteered to participate in the study. Before the research commenced, I obtained permission, in writing, from each interviewee to interview her. An informed consent form (see Appendix A) that explained the purpose of the study and how data will be handled was developed and given to participants before interviews were conducted.

Sex work is still perceived to be a taboo and sex workers are stigmatised and therefore marginalised which then requires the researcher to be sensitive to their concerns. Most sex workers prefer not to be known as such outside their work environment, due to the rejection and marginalisation they would encounter if their families and the general public were to know about their trade (Trotter, 2008a). It was pivotal that I further request permission to audio record the interviews and conversations between us for later analysis. Permission to record the interview was negotiated with each participant. All the participants consented to be recorded while engaging in talk with the interviewer. Furthermore, participants were informed about their right to terminate further involvement in the study at any point and that they need not feel coerced in any form or manner.

Anonymity was ensured and maintained throughout the research process. To ensure anonymity, pseudonyms were used in the place of participants' real names and care was taken not to include information that can identify participants in the written text. The value of confidentiality was discussed with each participant. I assured them that the discussions would be used for research purposes only and that their original names were not necessary.

Participants were informed that results might be published in a PhD thesis and in academic journals, but that their names would not be published. One of the requirements by SWEAT was to provide a copy of the study results to their research unit so that they could disseminate them to the actual site where the study was conducted and ideally also to the participants.

SWEAT and Sisonke, organisations which the participants engage with, provided the necessary protocols that ensured a level of protection from the psychological implications associated with sharing their stories. Arrangements with SWEAT were made to make sure that no harm is done to participants and if there were any, proper psychological help would be provided. Discussions were held with personnel at SWEAT who indicated their willingness to receive and deal with referrals of participants who may be distressed or who may seek further psychological help. As far as I know, none of the participants required such referral.

I made sure that the recorded material and transcripts were safely secured. They were only available to my supervisor and myself.

## **6.6. Conclusion**

In this chapter, I provided an overview of the process, which informed my encounter with data. The idea was to create a picture of both conceptual issues and practicalities that were encountered during data collection and analysis. I introduced two sets of materials, which were used to understand the prostitution landscape in South Africa: the 'Project 107' report on adult prostitution in South Africa, and semi-structured interviews with sex workers who ply their trade in Johannesburg. I then provided an overview of how I gathered and analysed the materials. I also introduced some of the key analytic concepts of Foucauldian discourse analysis, which may be useful to unpack and understand the discursive construction of prostitution in South Africa. In the next chapter, I present a discourse analytic reading of what I found.

## CHAPTER 7

### MAKING SENSE OF THE DATA

This chapter explores, in closer detail than the previous chapters, two types of work that goes into the social construction of prostitution: sex work and discursive work. The chapter is divided into two main parts. In Part 1 I trace the discursive labour that goes into co-constructing ‘the interview’ as a space for reflecting on sex work, and try to identify the key constructions regarding sex work that emerge as a result of engaging with sex workers as interviewees. In Part 2 I turn to a different form of discursive labour through which sex work is constructed, namely a report compiled by the South African Law Reform Commission (SALRC) on adult prostitution in South Africa, supplemented by extracts from conversations with sex workers.

These two types of ‘data’ can be seen as broadly reflective of two forms of disciplinary power identified by Foucault: confession (the interviews) and surveillance (the report). I conclude the chapter with a discussion of the ways in which Foucault’s social mechanisms of governmentality, power, confession, surveillance and ‘technologies of the self’ shape the discursive landscape of prostitution both in the report and in the conversations with sex workers.

#### **7.1. Interviews with sex workers in Johannesburg**

##### **7.1.1. Pen-sketch of each participant**

Before unpacking how sex workers construct their world, I provide a brief pen-sketch highlighting what I found most striking about each participant. Pseudonyms are used throughout (except with regard to myself) to protect the identity of the participants.

##### **Khonzi - “I can’t help but notice the love written in your face as you speak about your daughters”**

I am including myself as one of the participants for two reasons. First, because inevitably, I co-constructed the meanings that emerged in each of the interviews. Second, because in the course of the interviews I became aware of myself as enacting a particular role that was distinct from my more general presence in the research process. Had I been a different (kind of) interviewer, what emerged from the interviews would no doubt have been very different. What I found most striking about myself-as-interviewer was that, despite the fact that I am

generally a fairly reticent person, I projected a kind of confidence and professional steadiness - implicitly communicating the message that the process was being steered by a competent and reliable research professional. At the same time, I also experienced myself as able to connect with the interviewees in a relatively intimate and friendly manner, despite differences in gender and social background. I think the ease with which I slipped into this confident, friendly persona stems in part from my extensive experience over a period of more than six years in working with female participants (including sex workers) in previous research projects such as a “hate crimes” project that I am involved in. The professional role I took on also varied between interviews, of course. For example, in some cases the fact that I am a man, and therefore a potential client, seemed to be more overtly present in the interaction; in other cases my age (and therefore being seen as junior or senior to the participant) seemed to play a role.

### **Thando - “people out there have no idea”**

Thando is in her late thirties. She was born in the Eastern Cape, in a small town near Mthatha. Her father was a migrant worker who left the family to work in Johannesburg and seldom came back home. According to Thando, she at best used to see him once a year, around Christmas and New Year. As time went on, he stopped coming home but, most painfully, also stopped supporting the family financially. Thando’s mother was unemployed (she still is) and as a first born, Thando felt a need to make a plan to support her siblings, and dropped out of school while doing Standard 8 (Grade 10). She went to a bigger town, East London, to look for any type of employment and found a position as a domestic worker. The money was not enough to take care of her siblings and as a result, she quit her job. However, it became increasingly difficult to find another job.

One particular and profound event occurred one Friday when Thando’s friend persuaded her to visit a hang-out place in town for a girls’ night out. Thando had a couple of drinks, although she was not used to drinking and usually only drank, moderately, around Christmas and New Year’s eve. As the night went on, they were approached by some guys who told them that they were new in town and were looking for company. These guys bought them drinks and later had sex with them. It transpired that they were working in the harbour. What took Thando by surprise was that they were given money by these men, which in retrospect, was payment for sex.

She then moved to Johannesburg in order to find better employment, but struggled until she got a part time job as a hairdresser. Although she had a steady job, it was not enough to take care of herself and her one child (at the time). She then became a sex worker to supplement her income. Over the years, she has been able to hold dual jobs and hide from her significant others, including her two daughters, the fact that she sells sex as an additional source of income. Thando came across as bubbly, friendly and knowledgeable about the sex industry (she has been in the industry for more than ten years). She affirms that life has been tough for her and that she has had to make hard choices in life, such as selling sex and moving to Johannesburg as evidenced by the following remark which stuck with me: “People out there have no idea what it’s like to be a prostitute.”

Based on her long experience in the sex industry, Thando positions herself as a spokesperson for sex workers. She is also aware of the ways in which prostitution is constructed by academics, legal experts and the general public. She speaks passionately about the criminalisation of prostitution and the impact it has on sex workers, together with the pernicious idea that sex workers are vectors of disease. My impression is that through her long association with SWEAT Thando has become well versed in deploying the discursive constructions commonly used in academic and activist circles. In addition to being a spokesperson for sex workers, Thando also comes across as an expert on sex. Her conversation centred around her daughters and how responsible a family member she is, as she often sends money to her mother and siblings. However, below her bubbly personality, she opens up about her loneliness (i.e., she longs for an ordinary romantic relationship with one partner). She switches constantly between presenting herself as a victim (of poverty, having had a hard life, and in having to pay bribes to corrupt police) and as fully agentic (e.g., finding constructive ways to deal with unruly clients).

### **Princess - “there’s a lot of money to be made”**

Princess is a Zimbabwean national who was born in Mutare. She is in her mid-twenties. She moved to South Africa four years ago at the insistence of her friends who persuaded her that there is a lot of money to be made in South Africa through selling sex. Both her parents are teachers and, according to her, she makes triple the amount of money (after paying almost R9000 a month to a landlord for lodging) that her parents make in a month, combined.

She spoke fondly of her childhood experiences in Zimbabwe. Unlike Thando, Princess grew up in a ‘traditional’ family with both her parents living under one roof. She completed her

secondary schooling and enrolled for further studies in an agricultural college, hoping to embark on a farming career as that was (and still is) her first love. However, due to the economic and political meltdown in Zimbabwe, she could not continue with her studies and her dream of owning a farm one day slowly withered away.

She had friends from Zimbabwe who were selling sex in South Africa and they persuaded her to come here and take up sex work. Since the economic and political situation was not improving in Zimbabwe, she decided to leave home and embark on a journey to South Africa without proper official documentation. She talks about the difficulties one encounters on a journey to South Africa, especially if one does not have official documents such as a passport and a work permit. As a consequence, she prepared herself for “whatever may come my way, including being raped or paying a bribe”. Princess spoke emotionally about the risks women from Zimbabwe have to go through to make it in South Africa. Her story is somewhat unusual, however, in that unlike most illegal migrants she had made up her mind to become a sex worker *before* she left her country of origin. This is in keeping with how Princess more generally positions herself discursively - as consciously and agentically making decisions about her life, even though these may often involve hard choices in the context of economic hardships. In Princess’s case, unlike some of the other participants, her decisions were primarily affected by macroeconomic conditions rather than immediate personal hardship.

She candidly spoke about the nature of sex work and some of the challenges she encounters, which mostly pertain to being an illegal immigrant. She cannot, for example, deposit her money as she does not have a South African bank account. She does not present sex work as equivalent to any other form of income generation (“You are crazy if you think that it is normal to sleep with more than ten guys a day”), but continues to sell sex because she wants to take care of her daughter, presently and in future.

When Princess first arrived in South Africa, she worked as a street-based sex worker and experienced constant harassment from the police, at times having to pay double the usual bribe as she was both soliciting in public *and* in the country illegally. She experienced street-based prostitution as unsafe because one encounters ‘crazy people there’. After making some money as a street-based sex worker, she was connected to a brothel owner by one of her friends and has since been selling sex there. In comparison to street-based prostitution, brothel/bar-based prostitution is a safer space for her to work but it also has its own downfalls such as exorbitant rent. What struck me about Princess is that she does not come from an

impoverished background (in comparison to many other sex workers) yet she ‘decided’ to sell sex. Nevertheless, she positioned herself and other migrant sex workers (who are in South Africa illegally) as susceptible to double victimisation.

### **Angel - “good girl gone bad”**

Angel was born in a small town in the KwaZulu-Natal midlands. She is in her early twenties and one of the youngest sex workers I spoke with. Like Princess, she comes from a ‘traditional’ family in that her parents are married and have full time jobs (her father is a school principal and her mother a senior nurse). She reveals that when she was young, she went to the best school in town and attended ‘Sunday school’ as her parents were dedicated Christians. She speaks fondly of her childhood experiences, especially travelling with her parents and her sibling to Durban for summer holidays. She says that as a young child she used to be opinionated and independent even though her parents kept telling her that she must always be modest and humble.

According to her, going to University, especially in Johannesburg, when she was young (she completed Grade 12 when she was sixteen years old) was a mistake. At university she got hooked on the nightlife and clubbing. She paints Johannesburg as a dangerous city, especially for young women who are constantly harassed by older men. As she was narrating the story of how she got hooked on the nightlife, one could feel a sense of regret. Among other things she regrets ever was experimenting with alcohol or, as she puts it, “listened to my friends”. She spoke of how she felt that she needed more money to maintain her lifestyle because her parents did not give her enough.

For the past three years, she has been in and out of the sex industry. She positions herself as a transient sex worker who only sells sex occasionally in order to supplement what she receives from her parents. She is still a student, but has changed to a different course. She points out that she has always maintained a loving relationship with her parents, and that her parents seem to trust her because sometimes she does not go back home during school recess and only tells them that she is doing part time jobs.

She constructs sex work as morally wrong, which is not surprising as she grew up in a religious home. Her greatest fear is that her parents will find out about her lifestyle. She is also concerned about HIV because there have been instances when a condom broke during sex with clients. What struck me most about Angel is that she claims to choose very carefully who to have sex with. She prefers to offer sex for money to men who are older because they



are more likely to understand that there are no strings attached. When I asked how it is possible to ‘screen’ potential clients, she revealed that in most instances she chooses from a pool of guys who frequent a particular bar that is associated with a brothel.

### **Joy - “making people feel beautiful”**

Joy was born in eSwatini and is in her mid-twenties. She came to South Africa because she wanted to further her studies. She wanted to study beauty therapy because she has always been passionate about making people look and feel beautiful. She also mentions that her dream was (and still is) to open up a beauty therapy spa which also sells beauty products. It was clear from her talk that she is serious about this dream and has some plans in place to make it a reality. Joy grew up in a family that had a steady income, which made it possible for her to finish secondary school. She pointed out that the economic and educational opportunities (beyond school) are limited in eSwatini and that they are for the select few, which prompted her to move to Johannesburg.

At the age of 19, she applied for a passport and study permit which would allow her to enter South Africa legally. Speaking one of the recognised languages in South Africa (i.e., IsiSwati) further enabled her to blend in and avoid harassment from law enforcement agencies. She was thus able to avoid some of the constant harassment from police and exploitation by brothel owners that are normally directed at more obvious and ‘illegal’ immigrants. Sex workers who come from countries such as Lesotho, Botswana and eSwatini are at an advantage because they can converse in a language that is officially recognised in South Africa, whereas sex workers from countries such as Zimbabwe, Mozambique and Zambia (especially those who are in the country illegally) are at a disadvantage. Even when conversing in English, subtle differences in accent often ‘give away’ sex workers from further afield. In addition, Joy is of the opinion that sex workers who do not speak and understand local languages are also victimised by health care practitioners as they are seen to be putting strain on limited health care resources.

She says she became a sex worker because the lifestyle in South Africa is expensive in comparison to her country of origin. She uses proceedings from selling sex to pay for her tuition and to take some of her money home. Her parents do not know that she sells sex. She positions herself as agentic and constructs sex work as a viable choice for many women who sell sex, especially in countries such as Swaziland and South Africa where there are few other employment options.

### **Lihle - “I have become wiser”**

Lihle, who is in her late twenties, comes from an impoverished small farming town in Mpumalanga. Both her parents died some years back. She speaks highly of her father, especially regarding his role when she was younger. Her father used to take them on outings to a nearby, larger town on special days such as her birthday. However, after her father developed a strange disease and was retrenched, her family was never the same. Lihle started acting out by dating boys and eventually dropping out of school. The situation deteriorated further as her father could no longer support them because he began drinking heavily until his death.

Lihle started selling sex in her hometown, beginning at a tavern but eventually soliciting in the street. Once she moved to the street, she began attracting truck drivers, who she says paid her well. Her mother kept asking where she gets the money from and she would lie, telling her that she got it from a boyfriend who works at a mine.

After her mother passed on, Lihle decided to leave for Johannesburg because she thought one could make more money in a city. In Johannesburg, she initially stayed with relatives, but relatives were not happy with her ‘lifestyle’, which prompted her to move in with a friend who is also a sex worker. Like Angel, Lihle talks of Johannesburg as a dangerous city and feels that it is important for sex workers to have fellow sex worker friends who understand their struggles.

Due to her educational background, she does not see herself leaving the sex industry yet, and points out that at least she can take care of her siblings and herself.

What struck me most about Lihle was when she revealed that she regrets ever dropping out of school and that if she could turn back the hands of time she would not drop out. However, she feels that working in the sex industry has made her wiser. She is able to advise others and to make informed decisions about her own life. She mentions that going back to school will be her priority in 2019.

### 7.1.2. Talking to and about real people

The pen-sketches above provided a brief initial overview of each participant's life history and current circumstances. In writing these summaries, I for the most part took what emerged from the interviews at face value, as more-or-less factual information about real events, before turning below to a more discourse-centric view of what transpired in the interviews. However, even from this initial, somewhat 'realist' overview, it is already apparent (judging from the group of women that I spoke to) that sex workers as a class cannot be neatly fitted into categories of being either exploited victims or workers (or entrepreneurs) in a free market of sexual labour. Neither does it appear to make much sense to split sex workers into different classes depending on the extent to which they appear to be 'masters of their own destiny'. It is true that, for example, Lihle drifted into sex work partly as a result of impoverished and otherwise challenging home circumstances, whereas Princess, on the face of it, soberly evaluated the options available to her and entered (and remains in) sex work as the most viable way of earning a good income. However, in each instance, it is evident that it would be impossible to do justice to people's life stories by casting them too confidently into one or the other category.

An initial conclusion to be drawn from the interviews might therefore be that it is worth exploring ways of talking about freely chosen actions as nevertheless always to some extent constrained by injustices and economic circumstances, as well as ways of talking about exploitation and suffering that is nevertheless met with creativity and resilience by those being victimised.

Beyond providing an opportunity for an initial consideration of issues relating to victimhood versus agency, the pen-sketches were also intended simply to provide a more rounded sense of where the interview transcripts come from and how they were produced. Social constructionist (and discourse analytic) thinking draws heavily on the idea of 'the death of the author' (Barthes, 1967), i.e., that one should not think of texts as produced by authors (or spoken by interviewees), but rather of authors as being spoken into existence by the discourses that flow through texts. Useful as this kind of tactical analytic reversal may be, it also sometimes results in discursive analyses that feel strangely disembodied, with illustrative extracts seemingly having been spoken by anonymous, ghostly presences rather than by actual human beings. I have tried to counteract this tendency here, while still holding on to the principle that Khonzi, Thando, Princess, Joy, Angel and Lihle are not only the authors of

their own words, but also products of the ‘subject positions’ made available to them by the discourses that shape interviews and lives such as these.

### 7.1.3. The interview as a constructive process

As I read and re-read the interview transcripts, and attempted to discursively open them up using the Foucauldian discourse analytic ‘steps’ outlined in the previous chapter, the ‘discursive object’ that seemed to loom largest in the texts was not, as I expected, that of the prostitute as victim or as entrepreneurial worker. Instead, it became clear to me that first and foremost, the texts were able to fabricate a meaningful universe because they constantly drew upon and reinscribed the notion of ‘the interview’. I am conscious that much of what I have to say about ‘the interview’ below applies equally to any kind of professional or research interviewing situation, but it seemed to me that it had, as I hope to demonstrate, a special relevance and poignancy in this case.

The interview is a privileged space, that is discursively constructed as existing in a time and place separate from the interviewee’s and the interviewer’s everyday life; again and again it emerges in the transcripts as *a slice of time with a before and an after*. In speaking to Thando I started the interview by saying “again, my sister, I would like to thank you” and most of the other interviews start with similar formal punctuations meant to signal that the preliminaries are over and that the actual interview is about to begin. The interview is a particular type of slice of time (different, for example, from a coffee break) in that it always seems to involve an *invisible audience* which is only obliquely referred to and is not currently present, but only officially starts participating once the face-to-face part of the process is over. I was struck, again and again by how both myself and the participants seemed in part to be performing for this invisible audience - as it were, talking to the tape recorder. It is hard to pin down exactly when and how this ‘playing to the audience’ manifests in the transcripts, but once one becomes attuned to it, it is equally hard to let go of the impression that much of what transpires is in part about putting on a show for a third party, which is imagined as anonymous professionals who have the expertise to read something more into what we are saying than we are aware of as we say it. (In ‘real life’ this audience did in fact materialise, of course, in the form of myself as after-the-fact discourse analyst, my supervisor, the examiners of this thesis and random readers who may find a copy on the internet.)

Partly perhaps because the interview is being ‘watched’ by a respectable, formal audience, it is enacted specifically as a *formalised performance*. These were supposed to be unstructured qualitative interviews, so both myself and the interviewees laboured hard at pretending to be having informal conversations, but in actual fact, often seemed to be engaging in stylised formal performances. This is different from the ‘truly’ informal talk that one might encounter in people’s lounges or, at the other extreme, the very formalised interaction that one might find in a court of law (e.g., when someone is being cross-examined by a lawyer). It is a performance that gives birth to a kind of fake, formalised intimacy. As I reflected on the tenor of the interviews, it occurred to me that this formalised performance of intimacy is in fact the crux of what prostitution also is: On a daily basis sex workers engage in formalised and ritualised intimate performances with clients; they are simultaneously in a distanced, professional relationship with clients and deeply intimate with them. In short, interviews can be understood as re-enactments and analogues of professional sexual encounters. In a nutshell, on the one hand, the interview process was a very formal performance and on the other hand, was an informal intimate relationship between two people. There was a thin line drawn between the interview and the conversation. However, this tension (i.e., navigating between the formal interview-like talk to a more relaxed conversation-like talk between the interviewer and the interviewee) was necessary because the value that comes out of this performance relies on this tension.

However, the interview is also set up as a possible *safe space*. Unlike a session with a client, it is not a performance of a sexual (or strictly transactional) nature, but instead it is understood from the outset that the performance of formalised intimacy will exclude overt sexual acts. As a safe space the interview could be seen as symbolic of a womb, the safe warm space that will ‘give birth’ to something, a thesis. Ironically, this may be at the core of what makes prostitution threatening - it explicitly involves women having sex without (the intention) of giving birth.

The interview also sets itself up as a *confessional space* where sex workers are asked to confess their deep thoughts, ideas, values and life history. In a way, the interview resembled the therapeutic scenario where a patient is asked to reveal his/her deepest secrets, desires and thoughts to the therapist with the hope that they will be ‘cured’. As an interviewer, I kept exercising intimate surveillance on participants through creating this ‘safe’ confessional space, complete with iron-clad assurances that the confidences that are shared would not be reported to authorities. Instead, in classical Foucauldian (1975; 1988) manner, these

‘technologies of the self’ ensured that interviewees would remain constantly vigilant in policing their own life stories without any need for external coercion.

Thus the interview acted as a *space for colonising authenticity*. The core contribution that interviewees’ are implicitly imagined to be able to make is the fact that they ‘were there’, observing and participating in life events in an unmediated manner and that now, in the interview, they ‘are here’ in the sense of speaking honestly, ‘from the heart’ and without too much unnecessary reflection. My job as an interviewer was to guide the conversation, making sure that the unruly torrent of constructions that tumble from them is slowed down and considered in a more measured and systematic manner. This sense of ‘slowing down’ was further amplified when I started to transcribe the interviews and to read them, and when the ‘invisible audience’ began to interact with this text - further colonising my imagined authenticity and those of participants. Reading a transcript (or sections of a transcript included in a thesis) resembles a slow-motion action-replay of events - perhaps making it possible to read and understand nuances of what happened in the interviews that would otherwise not be detected, but also constituting a deliberate distortion of the ‘natural’ rhythm of what happened.

#### **7.1.4. Safe and unsafe spaces**

The fact that the interview appears to be constructed as a safe space, formed part of a larger pattern of construction that was present in each of the participants’ narratives - that of categorising spaces as safe versus unsafe. Participants were generally comfortable during the interview, not only because of the abstract structural qualities of such interviews discussed above, but also because they took place in a familiar location, SWEAT. SWEAT is discursively constructed as a safe space, and at times the boardroom seemed to physically embody the kind of a womb-like qualities that some of the interviews had.

One participant mentioned that “if we had met on the street, I would not have spoken to you”. The street indeed appeared to be the epitome of an unsafe space - where nobody can be trusted and there is nobody to protect you (Sanders, 2004). Thando, for example, positioned herself as hyper-vigilant and street-wise because on more than one occasion she has witnessed people “turning into animals”. Three other participants alluded to the streets as an unsafe space. Princess narrated how, at first when she was a street-based sex worker, she had to endure constant harassment from the police and other sex workers who claimed a particular street corner as theirs.

It is not surprising that the streets are constructed as unsafe, especially taking into account that some participants ply their trade at night and in circumstances where the level of competition and territorialism is high. For example, Lihle, prefers soliciting in a hotel bar because she experienced constant harassment from the police who, according to her, “seem to leave their stations especially to harass sex workers on the street”.

SWEAT is of course not the only safe space. Thando and Princess, for example spoke about their apartments as safe spaces where they are able to play the role of caring mothers for their daughters. Two other participants also affirmed their family and home as safe spaces because, as one participant said, “family is the most important thing one can have”.

The idea of family repeatedly emerged in the interviews as a soft, caring foil to the harsh realities of sex work. In part, the family space is preserved as safe and caring by insulating it from professional work spaces. Although most participants had good relationships with their immediate family members, most had not disclosed to their family members that they are sex workers. Thando, for example, has consciously chosen where to solicit because she is afraid of what her daughters would say and do if they were to bump into her and find out that she is selling sex. Lihle narrated a story where her uncle, who often drinks in Hillbrow, especially on Fridays and at month-end, almost found out that she was selling sex. One Friday, while soliciting, a few metres from the tavern, she saw her uncle leaving the tavern, but luckily he could not see her (because he was too intoxicated).

Perhaps not surprisingly, there is a class of participants in the sex work industry which aims to profit from sex workers’ need for safe spaces. Ironically, however, more often than not they actually contribute to sex workers’ sense of not being safe. Thando spoke of the unsafeness of the street as at least partly a result of competition among gangs claiming to represent different groups of sex workers and to ‘own’ particular streets or street corners. Pimps play a similar role. Thando explained that “some pimps are notorious for charging sex workers large amounts of money to keep them safe from danger”.

Pimps like to play the role of a caring ‘big brother’, but from my conversations with sex workers it was clear that they seem to see sex workers as little more than a commodity to be profited from. Sex workers are positioned as a commodity to be protected because they bring monetary value to pimps, gangs, bar owners, and brothel owners. However, contrary to what some literature that depict sex workers as helpless victims, Thando, Princess, Angel and Lihle, for example, positioned themselves (and other sex workers) as agentic in that they can

break off relations with a pimp who is exploitative, and find a reasonable replacement, or alternately choose to work in a brothel where the hours are more flexible and conditions are safer (see Gould & Fick, 2008).

Sex work is in part seen as scandalous because it brings sex into public visibility, and participants' construction of a safe space is therefore unsurprisingly far removed from the public eye. The home, in the case of Thando and Princess, is their private space where they could act 'normally' and interact with their children. By the same token, the street is in part constructed as unsafe precisely because what happens there is in the public eye. Thando's remark that she would not have spoken to me on the street because the street is populated by 'animals' does not capture the full story: If I were a stranger seeking sex-for-money, there is a high probability that she would indeed have spoken to me because that is what sex workers who solicit in the street do - talk to strangers. However, when taking into account what she reveals later in the interview, that she does not solicit in the street anymore, the idea that she does not trust strangers seem to make sense. In her words, she says: "I am almost always indoors where I feel safe and I know that my kids won't see me". The quote above also lays bare her constant fear - that her daughters may find out that she is a sex worker. This fear could be understood as the impact of among others, 'technologies of the self'. The constant self-surveillance and the invisible panopticon restricts her movements, so she has to be selective regarding who she interacts with and how. For instance, she cannot simply 'entertain' every stranger in the street for the fear that her job (i.e., that of selling sex) will be revealed (importantly, to her daughters), even though nobody, except the potential client and herself can actually know what they are talking about. Participants created a world where informal spaces are unsafe, but formal spaces are not what they pretend to be. They claim to be safe but they are not. These spaces are inhabited by animals without form.

#### **7.1.5. Guardians of the peace**

It is unsurprising that *the police* are mentioned in all the interviews. They are discursively constructed as either *corrupt* or *not corrupt*, with the former being much more commonly mentioned. For example, Joy explained how police sometimes raided the brothel and she then had to pay a R300 fine to avoid arrest, and Thando complained about police corruption as follows:



As a citizen, and in particular a woman, I trust the police to protect me from harm, but in the industry they are the ones who turn on us. Yesterday, I had to bribe a police officer with two hundred.

The women in question are effectively powerless and have to submit to whatever demands corrupt officials make. As Thando points out it is the responsibility of the police to protect citizens, but instead they turn against sex workers and exploit their vulnerable position that stems from the illegality of soliciting in public. The construction of police as corrupt is not surprising, as a great deal of research (see Fick, 2006; Gould & Fick, 2008; Peters, 2015) suggests that it is common for police to target prostitutes for sexual and monetary favours. The police who are corrupt seem to interfere with the livelihood of sex workers as they take away their hard-earned cash as elucidated by one participant who remarked that:

We sleep with ugly and smelly guys. Then after all the hard work, these police want a bribe and take our money.

Spending a night or two at a police holding cell is also, apart from being uncomfortable and degrading, detrimental to sex workers' business as they stand to lose on hours they could have used to sell sex.

In addition to financial loss at the hands of corrupt police, sex workers are reportedly at an increased risk of sexually transmitted infections because, as reported by one participant, they are raped by the police and in some instances it is group rape, with some officers not using condoms. Thando told me of a friend of hers who was raped by some officers: "They took turns raping her." She is of the opinion that those police officers who do not use 'protection' are already sick (i.e., she is referring to HIV/AIDS). According to her:

People out there think that we have HIV/AIDS because we sleep with many people that we do not know. I think that those police who do not use condoms are sick. They want to infect us. How can you have sex with someone that you know sleeps with many people without using protection? It's because you are sick but maybe they have come to understand that not all prostitutes are sick. (light laughter)

This quote portrays police officers as bullies who target sex workers because their trade (i.e., transactional sex) is illegal. Poignantly, these police officers use their power to subject their victims to acts of sexual abuse, with an increased risk of being infected with HIV.

However, not all police officers (or not at all times) get constructed as corrupt. In some instances, the police are constructed as *not corrupt*. If some police officers do not engage in activities that are deemed corrupt (i.e., bribery, extortion and rape), they are then constructed not as ‘ordinary policemen’ but specifically as *not corrupt* by sex workers.

There seem to be an internalisation of abuse by some sex workers. Thando, for example, when asked what she means when she says ‘some police officers are nice’, explained that “I mean that they let go of us and sometimes ask that we have sex with them”. Some sex workers have found ways to deal with the abuse by the police officers; however, in some cases it seems to come at the cost of normalising the way they are treated by police. It is viewed as a good gesture if the police ‘let sex workers go’ and if they ‘ask’ to have sex rather than demanding it. Sex workers are arguably so used to being held up in police cells and raped, that if a police officer lets them go or asks nicely for sex, then he is seen as an angel.

#### 7.1.6. Ndiyabehlisa (“I push them off me”)

For a sexual encounter to be classified as prostitution, there must be some form of transaction, which in most cases, is monetary. This transaction is usually between a sex worker and a client. It is therefore not surprising that another recurring ‘discursive object’ in participants’ narratives is *the client*. Clients are central in the sex industry, but relatively little research has been conducted on them. My analysis is not so much concerned with the profile of clients, but with how they are discursively positioned and constructed in the narratives. Although there is considerable variation, there seemed to be a general consensus among participants that clients come in three forms: undesirable, unruly, and regular.

*Undesirable clients* are, by and large, those clients that on a ‘normal’ day, a sex worker would not engage in a sexual encounter with. Princess, Joy and Thando constructed these clients as usually older, ugly and with an undesirable odour. Having to offer sexual services to undesirable clients indicates that sex workers sometimes have to make hard choices, but this does not fully affirm positions such as Jeffreys’ (2008a) that sex workers do not really have a choice at all. There are instances where sex workers decide not to offer sexual services to undesirable clients, although admittedly this is more common in contexts of high-end prostitution where the sex worker can better afford to lose the associated income (Mirror, 2010). None of the participants in my study were engaged in high-end prostitution, but it was clear that there was an element of selectivity as far as clients are concerned. For example Angel, who works from a brothel and a bar and generally targets older, married men,

indicated that she carefully chooses who to have sex with, preferring not to offer sexual services to undesirable clients. Nevertheless, in a country such as South Africa, most sex workers probably regularly have to make the 'hard choice' of offering sexual services to an undesirable client because of competition and economic need.

Thus sex workers discursively position themselves as 'half-agentic': They do have a choice of who to offer sexual services to, but it is a hard choice as some clients are undesirable. If it were entirely up to them, they would never have sex with such clients, so to some extent they are indeed victims of their economic circumstances.

Most participants made a distinction between an undesirable client and an *unruly client*. Unruly clients engage in behaviour that is deemed unacceptable by sex workers. They try to deceive sex workers by removing condoms while engaging in a sexual act, to rob sex workers of their earnings, or to not pay for sexual services rendered. Princess explains it as possible:

Customers who do not want to pay are a big problem. We are also in business, but it is tough and you get other customers who do not want to use a condom or they would use it at first and during the sexual encounter, they try to remove it.

Joy, Lihle, Thando and Princess indicated that unruly clients sometimes engage in such behaviour while heavily intoxicated. Some unruly clients are not necessarily intoxicated but attempt to pressure sex workers into unsafe sex as they appear to see them as desperate and vulnerable, and therefore exploitable. Angel, for example, explains that "I could get clients who want to have sex with me without a condom and they are willing to pay more". In addition to coercing sex workers with promises of additional money, some clients also seem to see sex workers as easy targets for robbery, as shown by the following quote from Princess: "You know sometimes clients think that they are clever. They would have sex with you and then refuse to pay". This is also affirmed by Thando who cited alcohol as a reason why some clients become unruly:

Nxxx...especially those who are drunk, they come up with all sort of nonsense. They would tell you that they did not enjoy the sex. Whose problem is that? I open my legs and give you my punani (vagina). If you don't cum (ejaculate), that is not my problem. Some guys take pills before approaching us. They want to make sure that their money is well-spent.

However, again, sex workers are not mere passive victims of such behaviour, but often come up with ways of managing unruly clients, as illustrated by the following quote from Lihle: “So, it’s sometimes unsafe dealing with drunk clients but it is better if they come to our place.”

In addition, some sex workers demonstrate collective agency in that they collectively devise plans to minimise some of the risks inherent in the sex industry. Princess shared the following:

Oh, and you also get these customers who think that they are clever, who do not want to pay but I don’t take shit. I demand money first before sex. And what we’ve started doing with my friends is that before sex, I give it to them because sometimes they would rob you.

Thando shared that she deals with clients who attempt to remove a condom by “Ndiyabehlisa (I push them off me), I can’t risk getting sick. I still have young kids to raise.” Others only realise after a sexual encounter what happens, but would then still demand that a client does something about their behaviour as evidenced by the following quote from Joy:

This other guy removed it (condom) without my permission and at first, I did not feel it but when he ejaculated, that’s when I felt his warm stuff inside my vagina. I then realised that he had removed the condom during sex. I was angry with him because I did not want to fall pregnant. I demanded that he buys morning after pills.

Lihle and Princess also affirm that at times they are not merely passive victims who are pushed around by unruly clients. Instead, they become agentic when having sex with clients, as Lihle explains:

Eyi ndoda (my man...) if you sell sex, you must be vigilant. I am always awake when having sex with a customer. I have to make sure that he puts a condom correctly. I even put it myself.

Princess said:

Yah, I even make sure that even if I enjoy sex, I do not get carried away. I must always remember that I am in business.

Unruly clients are constructed by the sex workers as deceitful, untrustworthy, careless and sometimes even dangerous. On the other hand, sex workers construct themselves (in relation

to unruly clients) as vigilant, suspicious and agentic. What transpired from the conversation with different sex workers is that once one gets into the sex industry, one should be careful and hypervigilant of individuals who are trying to exploit them. Most sex workers that I spoke to positioned themselves as fully cognisant of what clients are capable of doing and ready to exercise agency when certain boundaries are crossed.

In addition to undesirable and unruly clients, sex workers also spoke to me about *regular clients*. This type of client is talked about in a positive light. These are clients who typically prefer engaging in repeated sexual encounters with the same sex worker. Most participants I interviewed had one or few regular clients and there seemed to be a cordial relationship between sex workers and these regular clients. It is clear from sex workers' accounts how these types of relationships come into being (some form of initial attraction that grows into repeat visits) and how it is sustained (there is mutual trust between the client and sex worker, and having a special, regular client enhances sex worker's status among her peers). However, the actual identity of regular clients is never revealed. Participants were careful not to say anything that might reveal the identity of regular clients, and this pact of confidentiality seemed to be an important part of what they offer such clients - "if you tell me your secrets, you can be sure that I will not divulge them". An example of the detailed and sensitive information shared between regular clients and sex workers is seen in the following two extracts:

He often tells me that his wife does not satisfy him in bed... as in...she just lies there and that nje she is not in the mood all the time. (Angel)

This extract constructs Angel as a dear friend that the client can confide in. She comes across as understanding, supportive and empathic, while the client is constructed as a sex-starved husband who is a victim of his wife's moods (and who presumably cannot be blamed for seeking release elsewhere). Sometimes the confidences shared by regular clients raise interesting ethical issues:

I have a few that I know personally and yes they are into bad things but so is everyone else. I have a client who robs people and hijacks cars. He is my client. We have become friends and I guess he enjoys my company. (Lihle)

Lihle is arguably constructing a relationship with her clients as both business-like (she is only interested in the transactional nature of their sexual encounter) and also as personal (the client is also a friend who shares sensitive information with her). Like a researcher or therapist, she

feels herself under some professional obligation to maintain strict confidentiality, but when these confidences involve criminality she has to engage in some additional discursive labour to justify keeping her vow of silence.

Like psychotherapists, Angel and Lihle position themselves as a non-judgemental, and able to interact with diverse individuals; for them, what their clients do outside of the professional relationship has nothing to do with them, yet at the same time they also position themselves as able to form and sustain friendships with their clients. Thus, Angel and Lihle appear to have become masters at maintaining the dual subject positioning of sex worker as an impersonal, professional provider of sexual services, and sex worker as sympathetic friend. At face value, 'the friend and provider of sexual services' relationship seems straightforward. However, on closer scrutiny, it is more than that. 'The sex worker' may not be interested in what is happening in the client's marriage or in any other aspect of his life - the client pays for the time spent with her and she simply goes through the motions of pretending to be interested in his stories. On the other hand, she might actually be sympathetic, which is what enables him to share intimate details of his marriage and his life in general.

The kind of dual subject positioning enacted and experienced by sex workers is probably not uncommon. I have already alluded to how closely it resembles psychotherapeutic relationships, complete with feelings of transference and countertransference. At another extreme, one could imagine the relationship as containing elements of Stockholm syndrome (Åse, 2015) - a phenomenon where hostages start feeling affection for their captors. Whether imagined positively or negatively, it seems clear that what is at play here is, in part, an attempt at humanising an otherwise coldly commercial or controlling relationship and in doing so to regain some lost agency through an appeal to the other person's humanity. Sometimes sex worker-client relationships continue over many years, and it is not uncommon for sex workers and their regular clients to develop feelings of friendship, love and romance towards each other (Trotter, 2008a).

Being able to draw on the three readily available constructions of clients (undesirable, unruly or regular) assists sex workers in managing how particular interactions turn out. For example, when a sex worker offer sexual services to an undesirable client she is aware that she is doing so purely because she needs money - in other words her agency is severely constrained by her financial needs, but she does at least understand the nature of the compromise that she is consciously making. Similarly, if she 'chooses' to engage in a conversation with a regular

client she knows that it may in part be because they have become friends and not purely because she is being paid.

The three constructions of clients highlighted here are probably not the only ones, and are probably in part a product of the types of questions I asked and the interpretative repertoires available to sex workers at that particular moment. What these discursive constructions of clients reveal about the prostitution landscape is that sex workers are subjectivised (and subject themselves) to different positionings (e.g., friend, service provider, counsellor or expert) and that, this is dependent on how they appraise and then choose to engage with a particular client.

#### **7.1.7. Celestial bodies**

Above we have already encountered many of the key characters, such as the police and clients that populate the world of sex work. Below I discuss how various other bodies, starting with the sex worker herself, circulate around, and locate themselves in, this world.

Given the central question of my research, I inevitably tended to notice instances where the question of agency, explicitly or implicitly, arose. Perhaps not surprisingly, participants did not construct themselves as either agentic or non-agentic, but as *both*, depending on the context. There are instances in the transcripts where a sex worker talks about herself as agentic and later talks about herself as non-agentic, or the other way around.

One context in which sex workers tend to construct themselves as agentic is when talking about safe sex with clients:

I do but they know me. I refuse to have sex without a condom. (Princess)

Eyi ndoda (my man...) if you sell sex, you must be vigilant. I am always awake when having sex with a customer. I have to make sure that he puts a condom correctly. I even put it myself. (Lihle)

Sex workers also not infrequently talk about themselves as agentic in the context of (sometimes difficult) choices that have to be made in the context of earning a living:

Yah... mina I don't do it full time...there are times where I don't do prostitution but when times are tough, I do...like...when I don't have money and want to add to the money that my parents give me, I go there to get customers. (Angel)

I won't be a sex worker forever. I am planning to go back to school next year, I will try the night school and if does not work, I may be forced to go back full time. (Lihle)

They chase our clients away. There are clients who say they are now scared of coming to us. That is why I have decided to use the Ads Africa application to meet with clients. (Joy)

There are also instances where participants constructed themselves as having their agency forcibly taken away or severely curtailed by circumstances:

I have offered sex before because I was scared of going to jail... and I running the risk of having a criminal record. (Thando)

Yes, and it is not safe to have sex in a stranger's car and sometimes there are clients who would ask that you go with them to their place and then you don't have control. That person may do whatever he wants to you and even don't pay you so you end up giving it to him without getting money. (Princess)

It happened a couple of times. I don't know why but maybe some people don't know how to insert it. Look. I use lubrication so...I don't know. (Angel)

They sometimes demand to have sex with us without paying like other clients. They usually say that they are always doing us favours and we have to pay them back with sex. Sometimes if you refuse, they will chase you away and give your room to someone else. (Joy)

Think about it...having sex with many guys... more than five guys, sometimes more than ten guys in a day! I don't want to lie, it is difficult. (Lihle)

These accounts are again suggestive of a life that involves many compromises and requires one to make 'hard choices'. All the participants, in one way or another, constructed themselves as both agentic and non-agentic. This suggests that stereotypical depictions of sex workers as either agentic or completely stripped of agency is very far from the everyday (discursive) world that sex workers inhabit.

One of the ways in which a lack or absence of agency manifests in the transcripts involves sex workers overtly talking about themselves as *victims*. Unlike Angel, Princess and Joy, Lihle and Thando constructed themselves as *victims of an unfavourable past* - both come from households where their parents struggled financially:



Eish... my father was the only breadwinner and after he died we struggled at home because before he died, he was retrenched from work. So my father got sick, he developed a strange sickness. We went to doctors, sangomas, churches but he was not helped. Eventually they retrenched him at his workplace. (Lihle)

Thando had this to say about her home conditions:

I was born in the Eastern Cape, in a little town near Mthatha. We are three girls and one boy. I am the oldest. My father went to Johannesburg to look for work because our village is poor. I went to school until Standard Eight but it became increasingly difficult when my mother became sick and I had to look after her and my siblings. So I stopped going to school.

However, not all sex workers construct themselves as victims of an unfavourable past. Angel, Princess and Joy spoke fondly about their childhood and of having parents who had a steady income, as seen from the following quotes:

So, growing up, we used to go to Sunday school. I loved it. I was always singing and playing sketch. It was so much fun. My parents made sure that we go to Sunday school all the time and we... you know, we used to have family lunches together after church and will sometimes go and visit our grandparents. (Angel)

I had a good childhood. Both my parents were working and they are teachers even to this day. They used to encourage us to study. It is not easy growing up in a house of educated people. You are always under pressure to perform. (Princess)

I come from an ordinary family. Both my parents are still alive and working. Yes, I am lucky that my parents were able to send me to school and I managed to finish secondary schooling. (Joy)

The different ways in which sex workers construct their past demonstrate that not all imagine themselves as having had a deprived childhood (or as having joined the sex industry for that reason). Based on participants' account it is clear that one could have a 'favourable' past but still become a sex worker, and the converse (having an 'unfavourable' past but not becoming a sex worker) is clearly also true. As with the construction of agency, constructions of victimhood are also context specific. Joy and Princess, for example, present themselves as victims of economic hardship in their respective countries as seen from these quotes:

I actually came to South Africa because the situation at home...there is no employment and the education is bad. If you know someone big, maybe you may get employment or opportunities to further your studies. (Joy)

You are crazy if you think that it is normal to sleep with more than ten guys a day. And if it were not because of economic hardships back home, I would not be selling sex. (Princess)

Lihle and Thando, on the other hand, spoke about being victimised by the police:

Hhayi, mina when I arrived here in Johannesburg...yah okay...even in my home town, the police used to harass us and demand a bribe but hhayi here in Johannesburg it's worse, it's like they know...It's like they leave their station to target us. (Lihle)

It's too late. These guys have been abusing and killing us for a long time. We fear them. (Thando)

In participants' accounts police harassment severely curtail their ability to conduct their business profitably. In many instances they are forced to bribe corrupt police (with money or free sex) or face being detained and losing income while in jail:

It's complicated (sigh). I have offered sex before because I was scared of going to jail. Sometimes they lock you up for two days! Imagine how much I would have made in two days! (Thando)

Also, sometimes the police raid the place and demand that we pay R300 as a fine or face arrest. They chase our clients away. There are clients who say they are now scared of coming to us. (Joy)

Although they construct themselves as victims, they also come up with ways to counteract the victimhood label. For instance, they collectively work together to neutralise risks inherent in the sex industry (such as clients who may refuse to pay after a sexual encounter or who may rob them). Some sex workers do not under-play their agency, their ability to think out of the box and resilience, as these characteristics are arguably deemed important in order to deal with the harsh reality of the sex industry as Thando pointed to me that:

You know, people out there do not have any idea how our life is like... It's rough.

In popular and academic writing sex workers are often constructed as *vectors of disease*, specifically of HIV (Baral, Beyrer, Muessig, Poteat, Wirtz, Decker, Sherman & Kerrigan,

2012; Merrigan et al., 2015; Shannon, Strathdee, Goldenberg & Duff, 2015). As discussed in previous chapters this discourse has a long history and can be traced back to the Vagrancy and Contagious Diseases Acts (Hubbard, Sanders & Scoular, 2016; Levine, 2003; Sanders, et al., 2009; Walkowitz, 1980a) and to innumerable public health policies that have been implemented since.

These double standards are not anything new. The Contagious Diseases Acts and the Venereal Diseases Act of the 19th century also employed double standards where only sex workers were subjected to forced medical examination but their clients, especially soldiers, were exempted from such treatment (Hiersche, 2014; Jahnsen & Skilbrei, 2018; Sanders et al., 2009; Walkowitz, 1980a). These acts were arguably constructed to police women's sexuality in general because males were in most instances not subjected to forms of harassment that the former experienced. These Acts also acted in ways that instilled fear to prostitutes and women in general. The police were granted permission to arrest anyone (in most instances, women) who refused to be medically examined and it is reported that the forms of examination were embarrassing and trampled on the rights to privacy for women (Sanders et al., 2009; Walkowitz, 1980a).

However, participants did not personally buy into this construction, although they were painfully aware of it. Thando, Angel, Joy and Lihle all spoke about how the general public often sees them as transporters of disease, especially HIV. Participants could thus be seen as themselves engaging in a form of discourse analysis - describing not only direct victimisation by, for example, police, but also outlining the ways in which the contours of the discursive landscape within which sex work takes place make their lives difficult. Thando had this to say about the sex-worker-as-vector-of-disease discourse:

People out there think that we have AIDS because we sleep with many people that we do not know. I think that those police who do not use condoms are sick. They want to infect us. How can you have sex with someone that you know sleeps with many people without using protection? It's because you are sick but maybe they have come to understand that not all prostitutes are sick.

Thando performs an interesting switch here - instead of seeing herself as a vector of disease, she positions herself as a victim of being intentionally infected by police. Angel speaks in a similar vein, positioning sex workers' clients rather than sex workers themselves as the source of disease:

There are diseases. You run a risk of getting HIV because you have sex with different people that you don't know. Phela people are sick out there. Imagine having sex with someone and the condom breaks. It's over for you!

In addition to not being the original source of disease, participants also positioned themselves as doing what they can to prevent being infected by diseased clients. The most obvious, but sometimes difficult to implement, strategy is to refuse ever to have sex without a condom. For example, Joy sometimes gets clients who request not using a condom during sex, but responds with a firm refusal:

Yah, I do [get such requests], but not all the time. I refuse because I just checked my status and I am HIV negative. So, I am not going to risk my life.

Angel admits to initial carelessness, or ignorance; however, after attending Creative Space (the sex worker support meeting regularly held at SWEAT) a friend told her about post exposure prophylaxis drugs:

Sometimes I did nothing but one of my friend told me about post exposure pills. It's just that they are expensive and hayi at the government clinics, they ask you a lot of questions. (Angel)

Angel's account also shows the danger of stigmatising prostitution because she was reluctant to access the public healthcare as a result of avoiding nurses who 'ask a lot of questions'.

In some instances, the general public visibly direct their anger at sex workers as it once happened to Lihle:

One day when I was soliciting in the street, this woman came to me and started swearing at me, saying we are the reason why many people are dying of AIDS. Sibasulela ngengculazi. You know, I was shocked. It is their men who come to us and I am in business. I won't chase my customers away and who told them that all sex workers have AIDS? We use protection.

Lihle's public visibility positioned herself as a target for some woman's outrage against prostitution, but again she deftly switches culpability for the spreading of disease from herself to her clients.

The participants cited above talk about themselves as victims, and as a consequence, paint a picture of the unsafe environment that they work in. However, they also construct themselves

as agentic because they continue to find ways of working successfully in this environment: On a daily basis they devise plans to navigate through the unsafe sex industry, and share information about these strategies with each other.

As is the case with regard to being painted as vectors of disease, several participants also cited ***culture and religion*** as a panopticon, which attempts to discipline and regulate them, but again they have found ways to resist its power. The following extracts demonstrate how sex workers infuse themselves within a cultural and religious morality discourse:

You know us Blacks and culture. They will tell you that rubbing against different people, murderers, robbers, people who are bereaved, people will bring bad luck and as a prostitute, you cannot tell if a client is one of those. (Thando)

What I'm doing is morally wrong and my parents will probably hate me if they were to find out that I am a prostitute. You know, my parents are serious Christians. (Angel)

Most of us have had it tough. We get arrested, raped and even fight among ourselves. Sometimes, you end up believing that you are cursed. (Lihle)

Culture and religion, especially Christianity, construct sex workers as immoral (Immordino & Russo, 2015; Obadare, 2015) but this does not prevent them from offering sexual services. In a country where formal employment is disproportionately low, sex workers often make hard choices by offering sexual services in exchange for money despite the moral judgement and bad luck that might in the process 'rub off' on them. When Thando, Angel and Lihle speak about culture, Blacks and morality, they are explicitly bringing the idea of intimacy and trust to the foreground. Earlier I discussed how the interview acted as an analogue of short time commercial sex and how difficult it is to trust a stranger with whom they engage in a brief (sexual) encounter. The idea that sex with strangers brings bad luck and is morally wrong is interesting because it positions sex workers as having to take calculated risks, not only in the domain of health, but also in terms of morality and vulnerability to evil influences. The concept of good luck is about certain positive things that come one's way, that are not of one's own doing and that one has not done anything special to deserve - it just comes. Bad luck is its opposite - there is nothing one can do to prevent it, and seen from this perspective sex workers are not primarily rendered helpless by structural economic oppression or by bad people who victimise them, but by having to expose themselves to bad luck, i.e., some invisible force that is summonsed by becoming part of the sex industry.

Schirato et al., (2012) postulate that from the seventeenth century, the nature of police work expanded from the form of community governed by public authority to the hands of the state, where force could be increased while maintaining public order. However, with increased authority given to the police, it was inevitable that they would begin to abuse their power and subject the society to extreme forms of punishment. The abuse of sex workers by the law enforcement personnel is well documented and is arguably evidence that with increased authority, the subjects who deviate from the moral code could be subjected to harsh forms of punishment, in the case of sex workers, instances such as rape, beatings and murder (see Rangasami, Konstant and Manoek, 2016). It is also unsurprising that the idea of religion and chastity features in sex workers' narratives. A judgemental attitude seems to be muted and sandwiched between culture and Christianity morals as Thando said:

My mother would be hurt. She raised us well and taught us how to behave in a Christian manner. As for my siblings, I think they would look me with a judgemental eye.

In stark contrast to attempts to paint them as dangerously diseased and immoral, and as magnets for ill fortune, all participants spoke about themselves as embedded in close and caring domestic networks. Princess and Thando have children and they construct themselves as *loving mothers*:

It's a girl, a very beautiful girl. Yes. I am in the business of making money. I have to make enough money to take care of my daughter and I want to put her to nursery school next year. I don't like that she does not interact with other kids her age. I want the best life and future for her. Once I make enough money I'll take her to good schools and make sure that her future is secured. (Princess)

My daughters are lovely and I would not want them to be like me. I always tell them that they should stay away from boys, especially the older one. She is now a teenager and you know how teenagers like to experiment. (Thando)

Princess and Thando's quotes arguably show that among other reasons why they continue selling sex is because they want a better life for their children. However, they are burdened by the stigma surrounding prostitution, particularly Thando because she constructs sex work as morally wrong - she would not want her daughters to take the same path that she did, that of selling sex. She tries by all means to keep her work (i.e., that of being a sex worker) a secret. She said:

I make sure that I am almost always indoors where I know my kids won't see me. As a mother, I try to be exemplary to my daughters. If they were to find out that I sell sex, they would be disappointed and could even follow in my footsteps.

These sex workers embrace the role of caring mother, but still pay obeisance to the taboo surrounding sex worker as morally wrong. This is affirmed in so many words by Angel:

Eish... to be honest, what I'm doing is morally wrong and my parents will probably hate me if they were to find out that I am a prostitute.

As a consequence, this positions some sex workers as delinquents who go against societal norms. Nevertheless, they continue to work in the sex industry and at times risk their lives for the love of their children:

Yah, sometimes it is difficult to wake up and face the day, knowing that you may not get enough money. My children, my children will suffer and that is the last thing I want my children to go through. (Thando)

Some participants also embraced other respectable domestic roles, such as that of *loving and responsible daughter* and *selfless sibling*. Most participants spoke of their families in a positive light and also portrayed themselves (in relation to their families) positively. This could arguably be seen as a form of active resistance to the discursive gulf that normally exists between sex work and family life, as is manifested inter alia in the substantial academic literature suggesting that sex workers generally come from broken families (e.g., Collinson & Ash, 2015), that sex workers spend most of their time away from the safe confines of the family, and that prostitution by its very nature goes against the idea of a model family (Lung, Lin, Lu, & Shu, 2004; Trotter, 2008a). Here is Princess implicitly countering negative constructions of herself as a sex worker in relation to family life:

Yes. I miss my parents...but at least I am able to take care of myself and my child and also send some money home.

Lihle also positions herself as a responsible family member and breadwinner:

Yes. I usually go home, maybe once after three months and I send money back home so that they can buy groceries and pay for electricity.

Several other participants also spoke of how they support their parents and siblings financially, and in some cases took up sex work expressly for that purpose. Thus despite the

general construction of sex work as immoral and inimical to family life, some sex workers' earnings are used to support the very institution that their profession is supposed to threaten. Typically, participants' family members are described as strongly opposed to prostitution, despite the fact that many are indirectly financially supported by it. This necessitates a degree of secrecy and subterfuge among sex workers. Angel, for example, had this to say when talking about the possibility of her family finding out that she is a sex worker:

Yoh, they will be disappointed but my father will be very angry. He will probably disown me.

Thando echoed these sentiments:

My mother would be hurt. She raised us well and taught us how to behave in a Christian manner. As for my siblings, I think they would look me with a judgemental eye. My Aunt, maybe...she would understand.

The quotes above suggest that participants are aware that their families are against prostitution but will nevertheless not stop trying to be loving, selfless and responsible towards their family members.

It is undeniable that some sex workers come from distressed backgrounds, and economic hardships arguably does predispose some women to sell sex (Githaiga & Kay, 2015). However, my impression from talking with the participants was that they simply had to earn money given their difficult economic circumstances, and that sex work was just one way of doing so. The image of the *hustler* (iphanda) kept appearing. Prior to becoming a sex worker, Joy, for example, at one point worked in a salon, but the money was not enough:

I worked in some salon for... let me see... I think four months... but did not make enough as I also had to send money home. I think it was R2000. So you see...what can I do with R2000 and remember...I also had to send some money home.

Thando worked as a domestic worker before taking up sex work:

After dropping out of school, I went to East London to look for a job and could not find it for some time. One day, I met this one White lady and she liked me. She asked that I come and work for her. I worked there for three months as a domestic worker. She was sweet. She allowed me to stay in the cottage and during month-end, I could go home.



Despite the favourable work environment, Thando too after some time found that she had to earn more to meet her domestic obligations. Princess and Joy mentioned that they could not even find employment and circumstances at home, such as the need to take care of their children and siblings, predisposed them to become sex workers. In constructing themselves as hustlers, sex workers position themselves as agentic - they realised that their life circumstances were challenging and something needed to be done in order to deal with their difficult situations. It was clear from the conversations with them that they take full responsibility for the choices they have made. Thando argued that sex workers are not harming anyone and are also not involved in crimes such as robbery, hijacking or murder in order to eke out a living. Lihle expressed a similar sentiment:

I do not understand why people can't leave us alone. I use my own body to make money, not anyone else's.

Hustling arguably comes with a price and for most sex workers, the price they have to pay is being exposed to potential risks and constant abuse as aptly put by Thando:

You know, people out there do not have any idea how our life is like.... It's rough. Imagine having to sleep with any guy who is willing to pay...We sleep with ugly and smelly guys. Then after all the hard work, these police want a bribe.

Contrary to how sex workers are often viewed - that their risky (and perhaps even reckless) sexual behaviour (i.e., high risk to be infected with HIV and ultimately die of AIDS) and the environment they work in (i.e., crime ridden and drug infested) could send them to an early grave - some sex workers construct themselves as *future oriented*. Princess, for instance wants to own a farm, Joy is planning to open a beauty therapy shop, Thando is hoping to buy a flat for her daughters, and Lihle is planning on going back to school. Some of these long-term plans are probably not much more than fantasies, but others may be realistic:

I make decent money through selling sex, but I want to own my farm. So that will motivate me. I won't sell sex forever. One day I will own a big farm and will own different kinds of livestock. (Princess)

I want to open up a beauty shop back at home. There is a plot that is under my parents' name, once I am qualified and have enough money, I will turn into a spa, where people will come to relax. If I get enough money, I will stock up on natural products that people use and will sell them. (Joy)

I do not have enough money to buy it (flat) cash and because I do not have a payslip, the banks cannot offer me a big loan but hopefully with my savings, I will own it one day. (Thando)

Maybe one day I will and cabanga...ugogo womahosha! I won't be a sex worker forever. I am planning to go back to school next year, I will try the night school and if does not work, I may be forced to go back full time. (Lihle)

The extracts above show how sex workers position themselves as forward thinking individuals who plan ahead and who do not live for the here and now. They also positioned themselves as rational individuals who carefully consider their choices in the present and in their planning for the future.

However, my impression was that the participants were not attempting to present themselves as impossibly rational beings, perpetually focussed on forward planning. Most participants also constructed themselves as *women with sexual needs* in the here and now, and moreover, as *women who are aware of their sexual needs and emotions*. Sex workers have for centuries been constructed as dangerous vixens who threatens the moral fibre of society (Littlewood & Mahood, 1991; Schroyen, 2010; Weitzer, 2008). Most sex workers seemed to be aware of such negative constructions and felt that it is their duty to paint the typical sex worker as no different to the proverbial 'girl next door'. Another popular take on the sex life of sex workers is that they do not enjoy sex with their clients and invariably have to force themselves to go through the motions in order to earn money. However, this is not quite how participants saw things:

I try not to [get carried away] but it's sometimes difficult. We are also humans and have feelings. There are instances when I feel sexy and get someone I enjoy sex with. (Princess)

We also experience pleasure. (Joy)

Hardly, once or twice when I am in good mood. There are also some clients that I'm used to, then I try to relax but it's rare. (Lihle)

As a woman, it is nice to be loved, to have someone who calls you frequently and who cares for you. (Thando).

The participants construct and position themselves as ‘normal women’ who are capable of experiencing positive sexual feelings and who act on them. They also report that they have a healthy sexual appetite and sometimes enjoy sex with their clients. It seems that the pleasure is tightly linked with familiarity of a sex worker with a client. This is not surprising as some participants earlier mentioned that they are more comfortable with regular clients.

#### **7.1.8. Other members of the cast**

In discussing above how participants play out (different aspects of) themselves (discursively and in ‘real life’), I already touched on a variety of ‘other bodies’ that they come into contact with - different types of clients, family, and so on. The cast of players involved in the sex world is in fact quite extensive and includes many others that may not have starring roles, but who are nevertheless significant in sex workers’ lives. Here I discuss some of these.

One ‘regular connection’ that is frequently mentioned by sex workers is that of the fellow sex worker. Almost all the participants spoke about *friends* who are also sex workers, who provide support and together with whom they are sometimes able to engage in collective agency (and sisterhood). Speaking about fellow sex workers as friends could arguably be a deliberate attempt at trying to ‘correct’ the public’s perception that in the sex industry, one cannot have friends because it is a competitive industry. Princess pointed to the need for friendship in the sex industry in the following way:

Yah, I have these two girls I am friends with... We look out for each other. They are more like my sisters and it is them who connected me to the brothel owner and he asked that I pay some money in advance so that I may be able to secure myself a room.

Thando alluded to the loneliness in the sex industry and the need for friends:

My friends are the only ones I can trust. I also do the same for them. Ayi...if you don’t have a friend here, *uzosokola* (you will suffer). This industry on its own is harsh and having to deal with loneliness, it’s too much. (Thando)

Thando constructs the harsh world of the sex industry where people have become untrustworthy and where ‘you scratch my back and I’ll scratch yours’ applies. Princess and Thando portray friends as very important in this industry because one could become lonely and suffer without them.

Angel, Lihle, Thando and Princess spoke of friendship as more than an affective state of liking - they spoke of the practicalities of friendship and emphasised how they assist each other in order to deal with some of the challenges encountered in the sex industry:

Sometimes I did nothing but one of my friend told me about post exposure pills.

(Angel)

Yes, the friend of mine who I moved with when my uncle chased me out, we are still friends... It is very important to have someone who understands what you do because people out there judge us and say that 'siyafeba' (we are committing adultery) and we lure and seduce their men. (Lihle).

And what we've started doing with my friends is that before sex with a client, I give it (money) to them because sometimes they (clients) would rob you. (Thando)

It is unsurprising that some sex workers become drawn to each other and develop deep friendships where they emotionally support one another in times of need. It is clear from these extracts that for participants, sisterhood, emotional support and collective agency play a vital role in the sex industry, which is perceived to be dangerous.

It is often reported that the nature of sex work is conducive to high levels of competition and there are instances where sex workers fight with each other for clients, and stabbings among sex workers are reportedly a common occurrence (SWEAT, 2005). It was therefore not surprising that Thando and Princess spoke of the *competition for clients*, which often leads to confrontations among them as seen in the following quotes:

Eish... some days are better than others. Sometimes when it's a bad day, the relations among ourselves is not okay. We are rude to each other but if it's a good day, like month-end weekend everyone is happy. (Thando)

When I was soliciting in the street, I did not worry about rent but yoh... it is not safe there and there is a lot of competition. (Princess)

According to Thando, sex workers are often caught in a gang war as pimps fight for ideal space where the former could solicit. This is often prevalent in the street-based prostitution as seen from the quote below:

Where I work, it is not bad but I hear that in the streets, it is bad. There is strong competition and they even fight. You see, the streets are rough. Sometimes you find

people who have been in the sex industry for a long time owning a corner and if a new one comes, especially if she is young and fresh, she is chased away.

However, it is not always doom and gloom, as she further indicated that isolated instances of confrontation should not be seen as an everyday phenomenon and that sex workers should not be mistakenly viewed as generally hostile to one another:

You can say that... but if we are under attack, we become one. You can't come to our space and ill-treat one of us and we watch. We will hurt you. You know sometimes clients think that they are clever. They would have sex with you and then refuse to pay.

Another 'discursive object' that figured large in most participants accounts is **SWEAT**. As described in previous chapters SWEAT (the Sex Workers' Education and Advocacy Taskforce) is an organisation that has been at the forefront of advocating for the rights of sex workers, from liaising with legal fraternities (such as the Women's Legal Centre) to offering emotional support to sex workers who are victims of abuse. Sex workers construct SWEAT as 'a friend of sex workers'. Most participants spoke highly of SWEAT:

I only come to SWEAT to attend the creative space because at least I can get a break and speak to other sex workers. I really enjoy talking to peer educators from SWEAT. They make us feel accepted and listen to our stories and they provide condoms because some of us are scared of going to the clinics to get condoms. (Princess)

You know, since I started coming to SWEAT and interacting with other sex workers, I have become wiser. You know... we learn a lot. It's not about sex and money or HIV... we talk about life and I have become a better person. (Lihle)

Eish, sometimes having to live with a fear of contracting HIV. We provide sex to total strangers. We don't know what they have... and if the condom bursts then we are in trouble but at SWEAT they told us that there is this pill that you get at the clinic after being exposed to a risky situation, konje what do they call it....? (Thando)

SWEAT assist those who are chased away. I heard that they are negotiating with Hillbrow clinic to help sex workers from around here. (Joy)

SWEAT was formed during the period when the HIV epidemic was rampant, which explains why most participants spoke about SWEAT in relation to HIV. While it is commendable that

SWEAT remain focussed on HIV, they may in the process inadvertently be falling into the same trap as other Public Health agencies of constructing sex workers as vectors of disease. It does make sense for SWEAT to offer HIV education and to promote healthy sexual behaviour among sex workers as many studies suggest that HIV prevalence is higher among the sex worker population than the general public (see Baral, Beyrer, Muessig, Poteat, Wirtz, Decker, Sherman & Kerrigan, 2012; Dunkle, Jewkes, Brown, Gray, McIntyre, & Harlow, 2004; Ramjee & Karim, 1998; Ramjee & Gouws, 2002), but this does come at a certain ‘discursive cost’, namely that of bolstering vectors-of-disease discourses. It is also important to note that SWEAT does provide many other services such as emotional support, legal support and skills transfer (through Creative Space). My impression is that more so than many other organisations, SWEAT does seem to understand sex workers’ plight and are willing to go an extra mile to reach out to them, as seen in the following:

A group of peer educators came to Ambassador... they came and introduced themselves and said they come from SWEAT. They provided us with condoms and told us that if we want assistance with anything, we must come to their offices. (Joy)

It is refreshing that SWEAT is constructed in a positive light in a climate where sex work is often perceived to be repulsive and a problem. As will be discussed later in the chapter, the commission, for instance, recommended that sex workers be subjected to rehabilitation in the form of intensive therapy, with the hope that the latter will decide against selling sex. It is the non-judgemental attitude of SWEAT, which arguably positions SWEAT as ‘the friend of sex workers’. In interacting with participants, my impression was that hanging around SWEAT has had a strong impact on how they communicate about their world. Participants tended to speak in a fluent, confident manner using language that is infused with a clearly discernible professional and advocacy lexicon (‘peer educators’, ‘decriminalisation’, ‘post-exposure prophylaxis’, ‘creative space’ and so on). Their discourse and interpersonal performances not only to have become infused by the (perhaps somewhat sterile) professional and academic categories that organisations such as SWEAT purvey, but also by a certain self-improvement ethos. For instance, Lihle confesses that since interacting with SWEAT, she has become a ‘better person’ and Princess also affirms that she has ‘learnt a lot’ from interacting with peer educators and other sex workers at SWEAT.

### 7.1.9. An absent-presence

Against the backdrop of the many more clearly defined discursive objects constructed by participants there is also a certain *absent-presence* in the form of the structural inequalities that pervade the South African political and economic landscape. Participants did not typically speak about this directly, but it was present in much of what they told me about their lives.

Notably, the *migrant labour system*, which had its heyday during the apartheid era, strongly impacted on some participants' life stories. This system relied on racial discrimination in terms of which Blacks, who were largely concentrated in 'homelands', were required to travel to cities in order to find employment (Legassick, 1976). Many Black men were recruited to work in the mines and other industries, as cheap labourers, and as a consequence, had to leave their families to find employment (Stull, Bell, & Ncwadi, 2016). For example, Thando's father went to Johannesburg to look for work because their village was poor. The violence perpetuated by the migrant labour system was vividly present in Thando's account, who further revealed how familial structures disintegrated in interaction with such a system:

If I remember correctly, he came home once a year during Christmas holidays but he stopped. It was nice when he was around. He brought us nice clothes and toys. We all wanted to see this Johannesburg that had beautiful things but then our father stopped coming home.

Not only migrant labour, but also the *apartheid system* more generally did not provide equal economic opportunities for different races in South Africa, with Whites benefiting more in comparison to Blacks, Coloureds and Indians (Adato, Carter & May, 2006; Nattrass & Seekings, 1997). When economic opportunities became available for Black people, it was mostly concentrated in industrial areas, far removed from their homesteads. As postulated by Stadler (1979), the influx of many people to the industrial hub of Johannesburg led to the creation of squatter camps which were notorious for organised prostitution and the illegal alcohol trade. Most participants' parents lived during the apartheid period and from participants' narratives, the apartheid system is an absent-presence in the sense that it limited economic opportunities for their parents and began a cycle of intergenerational suffering, which still haunts them.

From this analysis, the discursive landscape of prostitution in South Africa begins to take shape. The unfortunate historical circumstances such as intergenerational poverty, play a

crucial role in how sex workers reach a ‘point of no return’ and where they make the hard choice of selling sex.

The discursive objects discussed above are in no way exclusive. The transcripts are abundant with other discursive objects and other researchers might well find other discursive constructions depending on the focus of a study. Attempting to use the Foucauldian analytic steps in a linear fashion proved challenging, and in fact almost impossible. The steps were useful in opening up the text and also to remind myself of what a discourse analysis should look out for, but in presenting the highlights of what I saw happening in the transcripts would not have been possible if I had tried to structure the presentation in terms of the Foucauldian steps.

## **7.2. ‘Project 107’**

My second source of ‘data’ was a report (aka the ‘Project 107’ report) compiled by the South African Law Reform Commission (SALRC). Before analysing the ‘summary and recommendation’ section (page 224 - 237) of the second chapter titled “People who offer sexual services for payment: The prostitute”, I provide a brief history of the report, up to the present, including some role-players’ reactions to it.

In early 2017, Michael Masutha, the then Minister of Justice and Correctional Services released key findings of the report compiled by the South African Law Reform Commission on adult prostitution. A Commission of Enquiry was set up almost ten years ago to investigate whether decriminalisation of prostitution is a viable option. The commencement of this enquiry brought hope to sex workers, sex worker organisations and human rights advocacy groups that prostitution could be decriminalised. However, the process took longer than expected with the report finally released in 2017, as a result of increased pressure from advocacy and human rights groups.

The commission which was tasked with reviewing legislative reform on adult prostitution had its own challenges such as not having a ‘leader’ for two years, but most importantly, the commission had to deal with the challenging task of understanding diverse discourses around prostitution while keeping in mind the legislation informing the criminalisation of prostitution. In addition, the perceived status of the South African constitution as a champion of sexual rights made the task of the commission additionally complex.



When the report was finally released, it was met with a furore from different sectors of society including advocacy organisations such as SWEAT, Sisonke, Asijiki: Coalition for the decriminalisation of sex work, Sonke Gender Justice and the African Centre for Migration and Society (ACMS). However, there were some civil society organisations, such as the Christian Lawyers Association of South Africa (CLASA) and Doctors for Life International, who hailed the recommendation by the commission not to decriminalise sex work. The position taken by advocacy groups and some civil society organisations is at the heart of my argument throughout this thesis - that the problem with how prostitution is constructed involves the binarisation of victimhood versus agency which fails to take into account that both these discourses (and others, of course) feed into each other, sideways, bi-directionally and laterally, and that people often oscillate between apparently contradictory ways of talking - constructing prostitutes as victims *and* as agentic. The analysis of the commission's recommendations below is intended to provide a context of how discursive constructions of prostitution are dominated by stubborn historical discourses based inter alia on morality, which are arguably not thoroughly challenged by academics doing research in the sex industry. Before unpacking the discursive patterns in the 'summary and recommendation' section of the report, I will make a few commentaries on the rhetorical nature of the document, especially the argumentative style of the commission and evident bias against sex work.

### **7.2.1. The document as a rhetorical performance**

Parallel to Foucault's idea of the non-scientificity of psychology and the human sciences generally (Visker, 1995), there seems to be an obsession with 'truthfulness', 'rigourness', 'justness' and 'objectivity' of legal documents. One is often bombarded with phrases such as 'it is law', 'the law says', or 'there will be consequences if one breaks the law'. These phrases all seem to feed into and from one encompassing discourse, namely a discourse of legal arrogance.

On the face of it, there is little reason why legal texts should almost invariably be tinged with arrogance. Human beings draft laws and often they are found to be in error. How many cases are lost but then challenged and the outcome becomes different altogether? A recent example is a case of one Mrs Maqubela who was accused of murdering her husband. She was found guilty and sentenced to 15 years by the High Court, but she appealed to the Supreme Court of Appeal and she was found not guilty (Jordaan, 2017). Such cases of legal 'errors' are so

frequent that one is often left suspicious of anything 'legal', with so much depending on a person's means to engage a 'clever' or 'articulate' lawyer.

Turning to prostitution, one could ask why government, through its state apparatuses, use legal jargon and legal professionals to draw up documents that surveil, control, discipline and punish sex workers? A practical example of one such document is the Immorality Act No. 23 of 1957 (aka the Sexual Offences Act) which criminalises prostitution. The theoretical sacralisation (Visker, 1995) of the legal profession (and legal documents) is problematic because the legal discipline sees itself as the 'guardian of law and order', 'legal science' and a 'custodian of objectivity'. Whatever is judged illegal is what it is and those found to be transgressors and 'at fault' must be punished.

It is of course possible to read the report with many different lenses, but for its most striking features are its style of argumentation, evident bias against sex work, and the very superficial attempts at justifying the commission's position (of criminalising prostitution) and discrediting contrary positions by selectively quoting evidence that suits the commission's position, for example in its finding that "non-criminalisation will not automatically provide labour benefits" (p. 224). The commission argues that the very idea put forward by organisations such as SWEAT, namely that decriminalisation would afford labour benefits for sex workers, is flawed because in the first place, the Labour Relations Acts does not include independent contractors, of which sex workers are one of the many. The above example illustrates the strange argumentative style that the commission adopts throughout the 'summary and recommendation' section, by pretending that the opposite is an all or nothing issue, a cure for all problems, and if it is not obviously so, then it can be dismissed.

One could of course expect that non-criminalisation will not provide all those things mentioned, including labour benefits. Water skiing which is not criminalised, but if it were, hypothetically, and one decriminalises it, one could expect that it will not automatically give injured people compensation - there would have to be a process of regularising it. In reading the report one gets the impression that the commission does not understand the arguments and recommendations put forward by pro-decriminalisation organisations such as SWEAT, but is instead focussed on shooting them down. SWEAT activists are constructed as naïve do-gooders who live in the utopian world where they think there would be this 'automatic thing' - that non-criminalisation would magically remove all problems associated with prostitution.

It then becomes the duty of the commission to correct them because that is (obviously) not the case and the Labour Relations Act expressly exclude independent contractors!

In places, the report also appears to throw arguments together haphazardly, more-or-less randomly appealing to whatever appears to weaken the case of decriminalisation. A clear example is the argument that “changing legislation could be an extremely dangerous cultural shift...” (p. 231). The object of cultural danger suddenly erupts into the text, which up to that point had not been considered it at all. The overemphasis on danger is also suspicious here, it is not just dangerous, it is *extremely* dangerous. The commission warns that non-criminalisation of prostitution should not simply be seen as a change in legislation, but requires an entire cultural shift. After introducing this ‘bogeyman’, the issue of (a possibly extremely dangerous) cultural shift is not elucidated any further, but left hanging over the text as a kind of vague, threatening presence.

This is perplexing for a number of reasons. They argue that non-criminalisation is a culturally (very) risky thing to do, but nowhere in the report up to that point is there any reference to ‘culture’. For example, South Africa could be said to have a conservative culture, a Christian culture, a promiscuous culture, or whatever. Have we changed or not? Are we in the process of changing? What exactly do they mean by culture and which cultures are they referring to? Had the report considered such issues, a claim such as that decriminalising prostitution is culturally risky would have seemed less like just another ad-hoc, arbitrary reason for discrediting the idea of sex work as legal, legitimate and regularised.

The tendency to pile up claims and arguments in a haphazard manner is interesting, especially in a legal document where one expects higher standards of argumentation and rigour. (However, admittedly it is possible that on closer scrutiny of other legal documents, one may also discover the same staggering kind of naivety, transparent attempts at deceptive argumentation, plucking things out of thin air, providing extensive evidence for irrelevant matters, and so on. The report may not be unusual in this regard.)

Another example: “The short term financial benefits of prostitution do not translate into financial independence or a way out of poverty and economic inequality” (p. 224). The commission is implicitly saying one should not, for example, start a stall at any market place because one will get short term financial benefits but that do not translate to financial independence. One must not be selling sweets at the street corner, one must not be a barber, because all these things have short-term financial benefit.

In short, whereas my initial impressions in talking to sex workers were favourable in that I could see them weaving together an array of discursive resources to construct accounts of considerable coherence and complexity, my reading of the report had the opposite effect: It struck me as patently biased and incoherent despite its somewhat condescending and legalistic tone.

To baldly accuse the report of bias may seem extreme, but bias is indeed evident throughout the ‘summary and recommendation’ section - which I analyse in more detail below. In places, the commission comes close to declaring that those who engage in prostitution should expect to be subjected to different forms of abuse and exploitation; and that they are suffering from some form of moral or psychological sickness.

The commission did appear to realise that they were going against the grain of what was generally expected, as is evident in the first sentence of the ‘summary and recommendation’ section: “The Commission has not found the legislative options of non-criminalisation and regulation to be preferred options” (p. 224).

The commission does not say what they have found, but rather what they have *not* found. This kind of defensive and pre-emptive construction suggests that they already knew that people were expecting them to find evidence in favour of decriminalisation, and knowing this, they now have to quickly make a case for their contrarian position. This is reminiscent of the types of construction used by apartheid ideologues, who although striving to project an image of complete certainty (and, one might say, lack of shame), were in fact constantly on the defensive, prefacing their pronouncements with phrases such as ‘we do not think Black people are inferior, in fact we think that they are wonderful, we love them and so on, it’s just that they must be on that side, and we on the other side’. The commission understood that the kind of intellectual climate is the opposite of what they are recommending.

The section of the report that my analysis is directed at is titled ‘summary and recommendations’, but interestingly there is in fact no summary. The section does not contain a systematic summary of the evidence heard by the commission, but presents a few selected pieces of evidence together with the commission’s recommendations and their justifications for non-criminalisation. For example, the Commission for Gender Equality (CGE) is cited when mentioning a controversial statement such as the following:

The Commission is mindful that CGE has raised a number of concerns pertaining to this option, namely that it results in a decline in condom usage.” (p. 225)

The CGE may well have been trying to provide a balanced analysis (i.e., that non-criminalisation although it has many advantages also has some disadvantages), but the commission does not mention the upsides, such as the CGE's position that decriminalisation would encourage sex workers to report incidents of violence and abuse by the police (Commission for Gender Equality, 2013).

The report as a legal document is not objective and does not take into account that the sexual rights are protected by the constitution, and that includes those who sell sex. The next section will discuss how the commission reached their position by unpacking discursive constructions that shape the understanding of prostitution through Foucauldian discourse analysis. The 'Project 107' report provides a glimpse into how the world of prostitution is socially constructed from a particular conservative legal perspective.

### **7.2.2. The Commission as a doer**

In the report the Commission appears as an authoritative and active entity. Active rather than passive sentence constructions are common, but rather than a subjective first person plural ('we') that is said to take positions and make recommendations, the speaker refers to itself in the third person as some kind of timeless, objective (and very respectable) entity with capital letters - the Commission.

In the text the Commission is also constructed as a unitary object. There are no instances of constructions such as "two members of the commission expressed their doubts about non-criminalisation and the remaining three were clear on their position of non-criminalisation". The commission never splits, it does not have a gender, it does not have race and it speaks in one voice. It is a master's voice that speaks Truth and cannot be questioned.

There is also no back history regarding the processes the commission went through to reach their decision of not decriminalising sex work. Were there any struggles, disagreements and vulnerabilities that emerged in the course of their enquiry? A different style of report may have acknowledged that initially the commission struggled to wrap their heads around the very difficult issue of decriminalisation, but that after much discussion and further clarification, managed to reach a level of understanding on which they now base their recommendations. There is no chronological context to alert the reader to the fact that the commission was set up in 2009 and that it took eight years to provide a way forward; the delay is simply not acknowledged or accounted for. In the report, the commission arises a non-vulnerable, timeless and a coherent object.

The discursive object that is constructed here - namely 'the commission' - no doubt has many functions, but one of them is to erase a messy history (such as disagreements, meetings being cancelled, members not pitching up for consultations, and so on). The commission becomes an opaque object that speaks in a bureaucratic monotone. It does not have emotions or vulnerabilities, except possibly for its one (perhaps fatal) flaw (which emerges in the first sentence) namely that it feels compelled to be pre-emptively defensive.

Beyond being an eraser of history, the commission is also constructed as playing various other roles. First, there is the commission as wise and compassionate recommender (e.g., recommending criminalisation and intensive therapy for sex workers) rather than enactor. So, for example, it is recommended that sex workers should be eligible for diversion programmes, because:

It provides them with the opportunity to enter rehabilitation, training and re-integration... (p. 232).

Second, there is the commission as interpreter and conduit for legislative frameworks that already fairly adequately regulate all social conduct. For example, the Basic Conditions of Employment Act and the Labour Relations Act are appealed to as frameworks for how employers are required to be treated by their employees. The law is constructed as the ultimate voice in the land, and it is therefore perhaps not surprising that it is discursively constructed as punitive. The law is also constructed as the custodian of morality. At its most fundamental level, the law enables us to distinguish between criminals and non-criminals, and sex workers are to be positioned on the criminal side of this divide.

### **7.2.3. The naïve do-gooder**

Formally, the focus of the report is the sex worker and how she should be understood in relation to the issue of decriminalisation. However, as discussed in the previous section, the commission itself, rather than the sex worker, stands out as possibly the most important object constructed in the text. Another object that arguably rises to greater prominence than the sex worker is the naïve do-gooder. As already discussed in relation to the assertion that non-criminalisation will not 'automatically' lead to labour benefits the report implicitly constructs a class of people who naively believe that things will magically fall into place if only prostitution could be decriminalised. In a sense the whole 'summary and recommendations' section is directed at such naïve do-gooders and those who might make the mistake of taking the naïve do-gooders seriously.

So the report warns, for example that “the chance of a change in the law addressing this abuse [police brutality and extortion] is negligible” (p. 224). Those who believe that if the law changes, then abuse will stop are clutching at straws - the chances are ‘negligible’. Another example: Even though the report deals minimally with structural issues such as inequality and poverty it does find space to warn that one should not naively imagine that such issues can be magically fixed by decriminalisation: “it can hardly be seen as a solution to poverty...” (p. 224). Apparently, the naïve do-gooder wants to see decriminalisation as a solution to poverty but of course, this is ‘hardly’ credible.

#### 7.2.4. The prostitute

Although the commission and naïve do-gooders figure surprisingly prominently in the report, the main figure to arise from its pages is, as one might expect, the prostitute. Unsurprisingly, the prostitute is constructed *as the victim and a suffering one*. The report also traffics with the image of the prostitute as victim from a feminist perspective; even though feminism is a world away from the generally conservative ethos of the report, it repeatedly hijacks feminist formulations relating to the prostitute as victim. It may not be that uncommon for progressive social theorists’ and activists’ language regarding the exploitation of vulnerable individuals to be lifted and slotted into conservative (often religious) discourse, but it nevertheless comes as something of a shock to see how easily the feminist image of the prostitute can be repurposed to serve more conservative ends. Thus, the prostitute becomes *‘the one who needs to be protected’* which fits nicely with conservative, patriarchal ideas of what women are like.

The appropriation of feminist victim discourse is evident throughout the ‘summary and recommendations’ section as evidenced by the following extract:

Within the South African context and given the high levels of gender violence and inequality added to the country’s challenge of poverty, the exploitation of especially women in prostitution would seem to be inherent in the institution of prostitution (p. 224).

Closely linked to victimhood construction is the notion of suffering. Prostitutes are constructed as victims of an unequal patriarchal system that subjects them to suffering. These particular ways of talking perpetuate the idea that prostitutes are non-agentic, that they are coerced into doing things and that decisions should be made and taken on their behalf.

The report makes much of the implementation of a diversion programme as a solution to the ‘problem’ of prostitution. This is the logical culmination of constructing prostitutes as suffering victims in need of (patriarchal) care - a caring and controlling institutional infrastructure should be put in place, says the report, to assist sex workers to overcome their dire circumstances, improve themselves, and plan for a better future.

Although the report is suffused with images of the prostitute as incapable of action without the help of paternalistic others, this is not the whole story. The prostitute is also constructed, at times, as the *agentic person*, who can independently make decisions for herself. The report revolves around an interesting, apparently contradictory, argument that the prostitute should become an independent and upstanding citizen, and that the way to achieve this is to position her as dependent. It is possible to see the process of turning the prostitute into a dependent being by considering the verbs that cluster around her. Conventionally, verbs are words that ‘do something’, and in most instances there is someone (or something) who is in charge of the verb, who is the doer. Verbs are the ways in which nouns enact their agency. The commission controls the verbs around the prostitute by suggesting that she should be ‘removed’ (from the sex industry), ‘placed’ (in a diversion programme) and ‘protected’ (through the criminalisation of prostitution). Therefore, the more she is treated as dependent, the more independent she will become.

The reason why the prostitute should be steered, through a paradoxical process of becoming dependent, to independence is not only because she is suffering. According to the report “prostitution should not be recognised as the reasonable means to secure a person’s living in South Africa” (p. 224) because prostitution is inherently indecent. The decent/indecent binary (conflated with a reasonable/unreasonable binary) underlies much of what happens in the report. There is, we learn, reasonable decent work and unreasonable non-decent work, and if one is in the realm of unreasonable non-decent work, then one is dependent and lacking agency. Since prostitutes clearly cannot be left to languish in the indecent unreasonable realm, but lack the means to exit from it, they are in need of ‘assistance’ (from the law, police, commissions of enquiry etcetera) who have to act ‘on their behalf’. It is easy to see how this can be used as an excuse to patronise and exploit them.

Since the prostitute is constructed as helpless, the commission feels obliged to physically force her into the other domain (of reasonable and decent work) and that will only happen once she refrains from work that involves indecency. Arguably, the main discursive



manoeuvre that is performed by the report is to make the constellation of words, ideas and discourses related to indecency overlap as much as possible with dependency and lack of agency. Therefore, as long as the prostitute is put in the indecency cluster, her agency will constantly be eroded.

The realm of indecency in which the prostitute finds herself appears, it would seem, to be part of a larger *realm of depravity* in which not only the prostitute but also those around her act in unsavoury ways. The report makes it clear that such unsavouriness cannot be supported, especially not when it unfolds in full view of everybody. If such a world in which people sink to the lowest levels of degeneration (for instance, as we learnt previously from the interviews, having sex with more than ten people a day) exists, then it should at least be out of sight.

Interestingly, the universe of indecency and depravity remains somewhat submerged in the report, but rises into full view at the point when options for going forward (such as partial criminalisation or total criminalisation) are provided. Thus the initial ‘rationale’ part of the report is largely based on proto-feminist arguments relating to sex workers as exploited victims, whereas when it comes to possible interventions religious and culturally conservative discourses suddenly become prominent without their having been properly discussed or interrogated.

At this point the prostitute seems magically to be able to cast aside the fetters of helplessness and to emerge as fully agentic - someone with a range of available choices, who is able to make decisions and think rationally about her future. As the report explains:

At a prevention level it may offer women with tools to examine future behaviour and provide opportunities for new and different choices in decision making (p. 226).

As a redeemed person the prostitute can now re-join society after having being through the redemptive and transformative machinery of the diversion programme.

The prostitute is also cast as agentic in another sense, namely as somebody who can be held legally accountable for her deeds. The legal agency discourse is pervasive throughout the ‘summary and recommendations’ section. This discourse positions prostitutes as legally liable and answerable to the law that prohibits prostitution. As law breakers, the commission recommends that prostitutes should face punishment, but humanely provides them with the option of evading this by ‘choosing’ to enrol in the diversion programme (which will among other things, teach them how to be law abiding citizens).

Closely linked to the construction of prostitutes as legally liable but nevertheless deserving of being given access to possibilities for diversion is the discursive object of the *young person*. Invoking this discursive object helps to explain why prostitutes may not have full agency - they are too young, and therefore cannot think properly for themselves and cannot make reasonable choices. This line of thinking can be seen as borrowed from (local and international) legislation dealing with other behaviours that are deemed undesirable. Examples include legislation enacted to prevent people from buying and drinking alcohol before they turn 18 or 21, not being allowed to get married before 18 years, 'age of consent' laws, and so on. By speaking of prostitutes as 'young persons', the report pushes them towards the borderline of no longer being liable for their actions (hypothetically a 16-year-old who solicits in public can 'get away with it' as she cannot in terms of the Sexual Offences Act, 2007, have the legal intention of soliciting), but without allowing them to actually cross over the border. Prostitutes, as we get to know them in the report, are somewhat like children, but without actually being children.

The border into lack of legal agency (whether for reasons of youthfulness or on any other grounds) cannot be crossed as it is impossible for prostitution to be fully criminalised unless one admits that the prostitute has free will - that she has (legal) agency. It is impossible to commit a crime without intention. At the very heart of the report positioned in favour of criminalisation is the inescapable requirement that the prostitute should have full agency, but the justification for this position is, in effect, the opposite. One is allowed to have agency but only in a legalistic sense, because paradoxically at some (perhaps more fundamental?) level one does not have agency and is in need of protection and reformation by means of a 'diversion programme'.

Sex workers are constructed in the report as in need of protection not only because they should be seen as young people, but also via appeals to a discursive object which could be labelled a *migrant prostitute*, and that is constructed as even more abject, lacking, and unable to protect herself. Migrant prostitutes are also constructed as a public nuisance as illegal activities seem to spring up around areas where migrant prostitution is rife. Again, however, the report fails to explain why prostitution appears to attract illegal activities. Is it possible that (due to the illegal nature of their trade) prostitutes are often obliged to settle in areas where such illegal activities are already rife, or do prostitutes attract illegal activities and if so how? These are some of the questions that the report seems to be uninterested in engaging with.

The report seems to fall in the same trap as some academic researchers, of conflating a migrant prostitute with a trafficked woman who has been forced into prostitution. As seen from the narratives of some of the migrant sex workers that I interviewed, there is a complex decision making process that unfolds before one enters the sex industry, which involves circumscribed choices but does not (at least not in the case of those I interviewed) involve direct coercion of any kind. Princess, for example, made a decision to enter the sex industry while still in Zimbabwe and thereby positioned herself as agentic from the very outset of her career as a sex worker. Joy, on the other hand, became a sex worker after spending a couple of years in South Africa because she wanted to supplement the money she receives from her parents. In constructing the migrant prostitute as abject and lacking, the report fails to engage with the complexity of the personal and professional worlds inhabited by migrant sex workers. Instead, the report seems to hijack a discourse of migrant sex workers as trafficked persons and as held against their will in the sex industry.

My argument here is not to deny that there is a problem of human trafficking. Women, children and men are trafficked from elsewhere and brought to South Africa under false pretences and forced into the sex industry against their will, but this is not the case for all migrant sex workers, who come from diverse contexts and with diverse backgrounds.

Additionally, the report does not even address the internal migrant sex worker (i.e., those sex workers who come from different parts of South Africa to Johannesburg, for example), which has been a feature of the South African socio-economic landscape for more than a century. There is no mention of how the internal migrant sex worker is similar or dissimilar to the external migrant sex worker. What are their unique struggles? Are external migrant sex workers at increased risk of double victimisation (i.e., victimised because they are sex workers and foreign nationals) as suggested by sex workers themselves (Princess and Joy) and researchers (Flak, 2011; Gould, 2010; Oliveira, 2011; Oliveira & Vearey, 2015; Vearey, Oliveira, Madzimure & Ntini, 2011; Walker & Oliveira, 2015)?

Rather than engaging with such details, the report constructs prostitution as *inherently exploitative*:

The exploitation of especially women in prostitution would seem to be inherent in the institution of prostitution. (p. 224)

Again, the feminist argument that prostitution is in its essence a male-created and exploitative institution which is anti-women is hijacked. However, this is not done in order to question the

patriarchal system of which prostitution is a product (as feminists would do), but rather to assert that agency is non-existent in the institution of sex work and that women should therefore be emancipated from it. In short, the report fails to clarify *how* prostitution ‘inherently’ exploits women, but engages in much verbiage regarding their status as vulnerable and exploited individuals. Where the report does (on rare occasions) allude to ‘structural’ issues that circumscribe prostitutes’ free agency, it tends to do so in quite general and abstract terms, as for example:

This legislative option aligns with the Commission’s conclusion that prostitution should be viewed as a form of exploitation or coercion resulting from the economic marginalisation of women through educational deprivation and job discrimination, ultimately rendering them vulnerable to recruitment into prostitution.” (p. 225)

Throughout the report, verbs, adverbs and adjectives such as helpless, non-agentic, exploited, coerced, marginalised, deprived, discriminated against and vulnerable swarm around nouns used to describe sex workers. There is also an implicit message that sex workers are recruited. One gets a sense of criminal recruitment similar to the process of being inducted into a gang, and that there is some agent, *the recruiter*, at work- usually a pimp, or another bad woman who coerces them into prostitution. It is others who act, while the prostitute is the passive target of their actions.

#### **7.2.5. Respectable bodies**

In the main, the report constructs prostitutes as non-respectable bodies because of the ‘indecent’ nature of their work. This is in contrast to an array of respectable bodies that provide pathways to redemption for sex workers. Prominent among these are various legitimate national and international bodies that are discursively constructed to guarantee a legal and policy framework for sex workers to be rehabilitated, including the Commission for Gender Equality (CGE), the ILO Decent Work Agenda, New Growth Path and Decent Work Programme for South Africa (p. 224-225). These bodies function discursively to legitimise claims and suggestions put forward by the report in respect to the non-criminalisation of prostitution. The report uses these respectable bodies as and when needed. For instance, the Commission for Gender Equality (which is generally considered to speak with legitimacy and authority on issues of gender) is recruited to confirm that the Swedish model (i.e., client-only criminalisation) does not work because it:

results in a decline in condom usage; gives rise to a significant increase in stigma and discrimination; and causes prostitutes to work in secrecy, far from protection services, to allow buyers complete anonymity endangering the prostitute and adding to the vulnerability of selling sexual services on the street. (p. 225)

This is quite a specific position on a particular model, but in effect, the CGE is pressed into service to affirm that any form of legalising prostitution, including the Swedish model, is undesirable and will not work in South Africa.

As with institutions, entire countries are also selectively deployed in the text to support the argument against decriminalisation. Thus only two countries, Sweden and Canada, both of which have highly developed economies, are used as models for the regulation of prostitution, while experiences in countries that may be more similar to South Africa are not referenced. Countries such as Brazil, Ivory Coast, Senegal, Ethiopia, Burkina Faso, and others, where prostitution is legal could have also been used to provide a more comprehensive picture of the effectiveness (or lack thereof), of different legal models to prostitution. As was the case with organisations, Sweden and Canada can be seen as ‘respectable bodies’ - developed, sophisticated, with an extensive state welfare system - and are drafted into service as examples when required to affirm the position adopted in the report. Of course, in other discursive worlds, beyond that created by the report, much has been said about the problems and limitations of the legal models used in these countries (Chu & Glass, 2013; Danna, 2012; Harrington, 2012; Levy & Jakobsson, 2014; Scoular, 2004).

To be fair, in referring to Sweden or Canada the report does explicitly contrast South Africa to such places but in most cases the object ‘South Africa’ is simply dropped in without further elaboration as a marker that we may have a ‘unique’ situation. For instance, when the report provides its position on the argument that decriminalisation of prostitution will protect women who are constantly abused by the law enforcement officials, it quickly warns that one should remember that this is South Africa, it is unlike other places as it is unique, but without explaining why decriminalisation would have different effects here.

In general, the report constructs South Africa as a third world country, located in and porous to Africa, with other Africans entering its borders easily (and illegally), inter alia in the process of being trafficked. The report postulates that elsewhere prostitution and social milieus differ from South Africa due to our high levels of gender based violence, child trafficking, poverty, unemployment and high number of illegal immigrants.

### 7.2.6. The South African state

The South African state takes on various roles in the report as lawmaker and provider of services (e.g., social welfare services, policing services, and diversion services). However, the report constructs the state as incapable of providing these services efficiently; in particular, it has failed, or appears to have failed, to provide adequate policing services in relation to prostitution. This is a point on which many who are otherwise critical of the report could agree. However, from this starting point the report proceeds to perform two surprising discursive manoeuvres.

First, the lack of protection (and direct victimisation) that sex workers suffer at the hands of police is swept aside as simply part of the larger South African problem of inadequate service delivery which needs to be addressed by the state, but has nothing specifically to do with prostitution. There are therefore no recommendations in the report, as one might have hoped, regarding better training for police with regard to sex work, the development of stricter guidelines and protocols for interacting with sex workers, or increased monitoring of police conduct.

Second, despite the lack of delivery from existing state institutions, the report nevertheless recommends that the state should establish a diversion programme that would involve the provision of temporary residence, intensive therapy and long-term monitoring. How this will be funded and work efficiently in the context of failing state service delivery is not addressed.

### 7.2.7. Diversion

A substantial part of the ‘summary and recommendations’ section, and indeed of the report as a whole, is devoted to the proposed establishment of a diversion programme.

The report constructs diversion as *an alternative to decriminalisation*. It does not concede, as advocacy groups argue, that sex work is not a crime and that sex workers should therefore not be prosecuted. Instead, sex workers should not be prosecuted because they are deserving of rehabilitation. What emerges is an attempt to take the harsher edges off criminalisation: The diversion programme is soft criminalisation.

Despite the extensive verbiage expended on it, the proposed diversion programme comes across as somewhat of a utopian pipe-dream, with some of its elements drawn in fine detail

and others painted in the broadest of strokes. There is little clarity with regard to fundamental questions such as who will structure the diversion, what type of therapy sex workers will undergo, who will fund it, and what ‘temporary residence’ might entail.

The issue of earning a living, which is of course central to sex work, is also poorly addressed. It seems likely that sex workers will be able to attend the proposed programme for free, but while busy with this course, they will not be able to earn money through sex work. One wonders where these sex workers should get an income from? Who will pay for their children’s school fees, food, transport, clothing, rent, bond payments and so on, which is usually paid for by the money they get through selling sex? There is no discernible consideration of sex workers’ lived experiences and feelings in all of this.

By contrast, some of the bureaucratic details of the programme have been worked out with meticulous care. There will, it seems, be the usual flurry of paperwork relating to issues such as certificates of accreditation, monitoring and failure to comply. Among the documents envisaged as part of the process there is even a consent form.

In so many ways the prostitute is constructed as a puppet in the hands of others (such as traffickers), but for her to get into the diversion programme, she should not carry herself as a puppet. She should sign a piece of paper stating that nobody coerced her into enrolling in the diversion programme, that she agrees to be diverted, that she was not unduly influenced and that she enters the diversion programme of her own free will. The ironic contradiction can again be seen at play here: The prostitute has the ability to consent to diversion, but she cannot properly consent to sex because she wants money. Her thinking is clouded with regard to commercial sex, but (apparently) not with regard to diversion programmes.

Two key players are summonsed onto the stage to get the morality play called ‘diversion’ going. In the opening act *the prosecutor* recommends and *the court* orders that failure to enrol will lead to possible imprisonment and a criminal record. The diversion programme is constructed as a ticket to freedom for sex workers in terms of which the state will rescue the prostitute from the terrible lifestyle that she has been trapped in. With diversion, she will then be moved into a space where she is much more overtly trapped with so-called ‘temporary residence’ and the requirement of attending rehabilitation sessions. In effect, sex workers are given two options - either they are trapped in jail or trapped in the diversion programme.

One of the discursive objects constructed throughout the ‘summary and recommendations’ section is South Africa as a poor country, and poverty as one of the main factors that drives

people into prostitution. However, the solution regarding how to address prostitution from a sociological perspective - focusing on the structural problem of poverty - is not the focal point. The solution comes instead in the form of intensive therapy - an individualistic perspective, which is constructed as a way out of prostitution. All of a sudden prostitution is no longer a structural but a personal problem, which requires individual intervention. Earlier, the report had argued that prostitution does not translate into financial independence or a way out of poverty. The money that the prostitute makes is discounted. The report further argued that the Swedish model will not work in South Africa because it is a poor country. However, the diversion programme does not focus on structural issues of poverty and how to address them. Its main concern is individualistic intervention in the form of intensive therapy.

The diversion programme can of course be seen as a Foucauldian *panoptical surveillance apparatus* par excellence. And, to complement this, the prostitute is expected, again in full Foucauldian manner, to admit (by confessing) that she has been naughty and engaged in a behaviour that is deemed unacceptable. In order to avoid imprisonment and a criminal record, she must enrol in the diversion programme so that she can be properly surveilled and can learn how to turn herself into a self-improvement project.

It is worth considering what the function of *diversion* is - not only in how it is supposed to alter the lives of prostitutes, but also in the report itself. It could be argued that the entire, lengthy section on diversion is itself a diversion, diverting attention away from the fact that no proper justification is provided for not legalising sex work and that the socio-political and economic landscape within which prostitution operates is mentioned but then ignored in favour of a conservative, moralistic, individualising and bureaucratic 'solution'. Instead of all the specific details spread across many pages (e.g., the exact number of months that the programme should continue for, the exact period of subsequent probation, the exact process for accreditation of service providers, which cabinet member should be responsible, and so on), the recommendation that a diversion programme should be established could easily have been addressed in one or two paragraphs. This digression comes across as some kind of textual 'displacement behaviour' - the contradictions that have to be addressed to recommend continued criminalisation of sex work without directly appealing to politically incorrect moralistic imperatives is discursively too painful and thus requires that something, anything, else should be addressed in detail and at length.



### 7.2.8. The unspoken

The various subjects and objects described above can be seen as products of a number of wider social discourses, notably a feminist victim discourse, a legal agency discourse, an indecency discourse, and a bureaucratic ‘due process’ discourse. The discursive labour performed by the report is to camouflage the indecency discourse by enlisting the feminist victim discourse while nevertheless ending up at a point of legal agency and culpability, and to divert attention from all of this manoeuvring by drawing on a bureaucratic due process discourse.

In addition to these four main discourses, there are also various *unspoken discourses*, which one might expect to find in this kind of document, but that surface only briefly or ambiguously. One would expect racial, economic and class discourses to be prominent in this kind of report, but this is not the case. They are referred to in a sentence or two, and are mainly subsumed under the feminist victim discourse. Economic issues are glossed over instead of being fully elucidated.

Discourse analysis reminds us that objects and discourses that are not clearly delineated are as important as those that are (Hook, 2007, Willig, 2008) and this requires one to ask: What objects are completely absent or are present only as ghostly images? Below I outline some of the ‘absent presences’ in the ‘summary and recommendations’ section of the report.

The *collective agency* of sex workers (i.e., ways in which they have been able to or might be able to support one another and collectively agitate for their rights) is not spoken about in the ‘summary and recommendations’ section of the report. There is some reference to one or two organisations that may be seen as vehicles for sex-workers to express their collective agency, but it is not clear what these organisations do, how they bring sex workers together, or how they have contributed to the understanding of the sex industry. For example, it is not made clear that SWEAT is one of the few organisations that have been working with, rather than just on behalf of, sex workers for more than twenty years.

Another absent-presence in the report is *sex workers’ lived experience*. Some lip service is paid to the idea that they are oppressed and ‘allegedly’ abused (p. 224), but there is no mention of what their day to day lives are actually like, how much they earn, what different types of sex work they do and how their daily life differs from that of women who are not sex workers. The voice of sex workers is silent in the report. One might have expected the report to contain phrases such as “we were particularly struck by the testimony of sex worker X,

who told us in shocking detail how she has been repeatedly beaten up by the police...”, but this kind of formulation is completely absent from the report.

The lack of interest in sex workers’ voices and daily lives, may in part explain another absence, namely an absence of *attention to violence committed against prostitutes by the police*. On page 224, the report implies that the abuse of prostitutes (especially by the police) is not an appropriate focus for the report as it is essentially a policing problem rather than a sex worker issue. The report shifts the blame squarely to the police, but then again it seems to protect the police by using concepts such as “allegations” (p. 224) and the statement that implies that the problem of victimisation of sex workers at the hands of the police is commonplace and this must not be viewed in isolation (i.e., as if sex workers are targeted purely because they are involved in an illicit activity). The report implies that it might well be that occasionally some policemen step over the boundary, but that this has nothing to do with the core issue that the commission is tasked with, namely to make a recommendation regarding legalisation of sex work. The abuse of sex workers by the police must be dealt with through the formation of another commission that can look into how police conduct could be improved.

Not dealing with police violence is also partly enabled by another absent-presence, namely the *economic context* within which sex work takes place. The micro and macro economics of sex work are never really addressed in the report, and instead there is a quick switching to a third world discourse, which positions South Africa as a country that is very difficult to govern and where it is to be expected that the police service, along with other government institutions such as hospitals, and schools will function at a less than optimal level.

The *non-prostitute woman* is another absent-presence. The idea of what a (proper) woman is and should be is constantly implicitly present in the report, but the report never properly unpacks what a non-prostitute woman is (supposed to be) like. What is her life like, in what ways is she different from (or similar to) the prostitute? Is she subjected to the same sorts of patriarchal stereotypes or does her status as a ‘decent’ woman somehow exempt her from this? What platforms exist for women to speak from? (What we do know is that for a prostitute woman there is no platform - she should keep quiet until she becomes redeemed; then she can start speaking.)

The *historicity of prostitution in South Africa* is another ghostly (non-)presence in the report. One gathers from the report that there is a history, but there is nothing about the key

features of this history: the migrant labour system, the discovery of diamonds and gold, the rise of harbours, the sexual politics of apartheid and colonialism, and the various other elements discussed in Chapter 2 of this thesis.

Likewise, the historicity of *South Africa's liberal constitution*, that decriminalises same sex relationships and allows abortion, but is silent on the criminalisation of prostitution, is also ignored. None of the historical context of South Africa's liberal constitution exists in the report. The report does contain some, sporadic historical material, but the historical bits and pieces seem to be included as a matter of form rather than substance and are not sufficiently germane to the arguments made in the report to make it into the 'summary and recommendations' section.

A final absent-presence is the *body of the prostitute*. Sex work rather obviously involves, first and foremost (gendered and sexual) bodies, and the proposals contained in the report (such as for the establishment of diversion programmes), will result in actual bodies being shunted around and marked in particular ways. To the extent that the body of the prostitute does become faintly visible in the 'summary and recommendations' section it is, firstly, constructed as a dangerous site of disease via appeals to public indecency and public health discourses which seek to police or hide away the festering body. Like the leprotic body of a previous era, the prostitute and her body should be moved away from the decent public space and placed in some form of quarantine where attempts will be made to cure her, and once she is cured, then she may be allowed back into the decent public space.

Secondly, the prostitute's body is constructed as a mobile object that moves in unregulated ways, appearing on street corners when not desired. It is an uncontrolled, sometimes invisible and nomadic body, which needs to be regularised and made docile and manageable, clocking in and out of rehabilitation programmes on a fixed schedule.

### **7.3. Action orientation of texts**

An important task in discourse analysis entails the identification of what actions are performed by texts. Above I have already provided an outline of what appears to be the main discursive labour(s) performed by the text, but it is worth pausing to again consider what the text (attempts to) accomplish in the 'real world'.

The commission is arguably the main voice that is allowed to speak in the 'summary and recommendations' section and in the rest of the report and the context in which the

commission's voice becomes audible is the long-standing debate on whether prostitution should be legalised, with the general public, civil society organisations, sex workers, advocacy groups and other interested parties having been looking forward to the release of the report. The commission is in the 'starring' role of providing advice and recommendations on the reform of laws relating to adult prostitution in South Africa and speaks about the prostitute from a position of imagined expertise. The prostitute herself is constructed as a silent victim who by implication is unable to make informed decisions; ironically, however, she is also constructed as legally liable and to be able to freely consent to enrolling in the proposed diversion programme.

Fascinating as this discursive footwork is, it is important not to lose sight of the fact that what happens in the text has a 'real life' action orientation: As a direct consequence of the report, prostitution will not be legalised - at least not in the immediate future.

#### **7.4. Subject positioning**

As is the case with regard to the discourse analytic concept of action orientation, the idea of subject positioning also already pushed itself towards prominence in the discussion of discursive objects and subjects in the preceding sections. However, it may again be useful to pause to reconsider the ways in which subject positionings appear to play out in the text.

Not surprisingly, the main subject, other than the commission, that appears in this report is the prostitute. The prostitute takes on diverse subject positionings. First, she appears as somebody who cannot be expected to hold a reasonable opinion about her situation. She is positioned as silent, idle and waiting to be rescued. Second, although she is positioned as somebody who is oppressed and lacking in agency, she suddenly becomes agentic in the eyes of the law. She becomes legally liable for engaging in an illegal activity and also becomes agentic by making an 'informed' decision to enrol in the diversion programme. Third, she is positioned as someone who is ripe for redemption. She is 'fallen', but there is a future-orientedness in her; if only she could be steered along the right channels, she could be brought back into a decent life. Fourth, the prostitute then appears as reformed through the diversion programme which entails intensive therapy and temporary residence somewhere.

It is clear that in the report, as in many other official and academic documents, prostitutes are blamed for having 'chosen' to sell sex (e.g., Aloba & Ndifon, 2014; Davidson, 2002; Merrigan et al., 2015). Despite the abuse they often encounter at the hands of clients, health care practitioners and law enforcement officers (see Comte, 2014; Fick, 2006; Gould & Fick,

2008) they seem not to draw much empathy from the report. They are blamed for selling sex and the only way to assist them, as suggested in the report, is through the diversion programme which would then facilitate their redemption.

## **7.5. Foucauldian social mechanisms**

Finally, it remains to be considered how Foucauldian mechanisms such as governmentality, power, confession, surveillance and other technologies of the self can help to elucidate the ‘summary and recommendations’ section and the report as a whole.

Rather than simply catalogue the various Foucauldian ideas and apply them to the text, I decided to supplement Foucauldian interpretations with extracts from the conversations I had with sex workers. Pronouncements from the report are juxtaposed with extracts from the interviews in which sex workers talk about the nature of their profession, the notion of power, and how they experience their embodied selves.

### **7.5.1. Governmentality and prostitution**

Conventionally, the state uses laws and institutions such as the police to more-or-less brutally and directly control and suppress its subjects. However, in the Foucauldian schema, governance proceeds along more subtle lines to shape subjects so as to make them amenable to control and then creates mechanisms that operate on these already ‘governable’ subjects. In South Africa and elsewhere, prostitutes have for many decades been subjected to surveillance and control through legislation such as the Contagious Diseases Act, the Vagrancy Act and the Sexual Immorality Act. Oppressive and repressive state apparatuses (to borrow a phrase from Althusser) manifest through agencies such as the police, but as important and arguably more powerful, are the ideological state apparatuses which determine what is to be considered legitimate versus not legitimate. According to the report, sex work is not a legitimate way of making a living in South Africa, even though sex workers themselves see sex work as a way of out poverty.

The three Foucauldian paradigms of control or lineages of authority - sovereignty, discipline and government (Hook, 2007) - are intertwined to produce compliant sex worker bodies that can be manipulated by government. *Sovereignty*, which historically took a juridical form, is democratised and anchored in the rights of the legal and political subject (Hook, 2007; Schirato et al., 2012) - in this case, the prostitute. South African legislation does not recognise the sexual rights of sex workers, despite the fact that the constitution is seen as a

champion for the sexual rights of all South African citizens. To become pliable and compliant citizens, prostitutes have to recognise themselves, as indeed they are constructed in the report, as deviant and legally liable for their deviant behaviour. Or, as Angel puts it:

Eish... to be honest, what I'm doing is morally wrong and my parents will probably hate me if they were to find out that I am a prostitute.

*Discipline*, which arose from practical techniques of training of the body, becomes a generalised regulatory mechanism for the production of docile and useful bodies (Hook, 2007; Schirato et al., 2012). The diversion programme suggested in the report can be seen as such, a disciplinary apparatus of control, where sex workers will be required to enrol in the programme - registering their identity numbers, attending intensive therapeutic sessions, keeping time, and being subjected to temporary residence in designated areas. This residence could be likened to a 'soft' prison where attempts would be made to 'correct' their ways, with the goal of rehabilitating them.

This is in stark contrast to the bodily disciplines the sex workers I spoke to adopted for themselves to ease the burden of their work. Notably, several spoke about ingesting alcohol as a mechanism to train (and numb) their body in order to endure sex with clients:

I drink alcohol. You know, some guys are willing to buy us alcohol and I can get a few guys to buy me alcohol until I get drunk. (Princess)

Maybe it helped that I was intoxicated most of the time. I really felt guilty the next morning but would try and forget about it. So yah...other times it was bad. (Angel)

I think I got used to it. Phela at first I used to get drunk so that I would be able to sleep with different people. Think about it...having sex with many guys... more than five guys, sometimes more than ten guys in a day! (Lihle)

The notion of *government* is often misconstrued as relating to the "macro-politics of state craft" (Hook, 2007, p. 224) - a misconception that arguably arose because government first came into being as a response to problematics manifest in policing (Hook, 2007; Walters, 2015), which largely represented the 'state'. However, government also includes the multiple lower order types, such as the government of the family, of the workplace and of one's relationship with oneself. The 'typical' family has parents who are responsible for the upkeep of their children just as the macro-government is responsible for the welfare of its citizen. The workplace has managers who are tasked with making sure that employees

become productive and perform their duties as required. There are rules and regulations to be adhered to and if one breaks them, one should be prepared to face the consequences which often come in the form of disciplinarity. Naughty children are grounded, unproductive employees are suspended or fired.

When one reads the report, especially the ‘summary and recommendations’ section, it is hard to avoid the impression that sex workers are infantilised as aberrant children who need to be compassionately punished and reformed. As seen previously, sex workers themselves also construct themselves as deviant. However, there seems to be a sharp difference between the report and sex workers’ view on how the body of a prostitute should be regulated. The report suggests two paths: Either imprisonment or renouncing the lifestyle of prostitution and enrolling in a diversion programme. The sex workers I spoke to, on the other hand, suggest that they should be liberated and for their profession to be decriminalised. At face value, the diversion programme is presented as a coordinated and ‘well thought through’ intervention but it is also emblematic of the modern art of government which entails a coordinated effort by the state to control and manage the micro-politics (and day to day lives) of its citizens (Hook, 2007; Schirato et al., 2012).

From the interview transcripts, one can deduce that there are many micro-level forms of governmentality in the sex industry: First, there is a government of the brothel and bar, with hierarchies, rules and regulations on how a sex worker interacts with her clients or the brothel owner. One could also extend the notion of government to the street corner, the politics of owning the street, and how a sex worker’s body manifests, as seen from the following extracts:

You have to pay the guys who protect you but I did not have a ‘protector’ because I could not afford one. Those guys are expensive and if you are unwilling to have one, you get harassed by the police and other sex workers who are protected. (Princess)

The bar is safer but sometimes you don’t make much. You know back in Mpumalanga, mos... I used to solicit in the tavern but then when I moved to the streets I was more visible. I made a lot of money because I attracted truck drivers. (Lihle)

The types of mechanisms of street governance spoken about by Princess and Lihle are only very faintly visible in the report. By contrast, for sex workers issues of paying protection fees to pimps and the police, of strategically going along with the power games of these men, are a prominent part of their lives.

Princess, Joy and Angel speak about the government of the brothel and bar, how certain rules and regulations are constructed to control sex workers:

It is also safer working here [in a brothel environment] than in the street. The owner here protects us and sometimes we keep our savings to him. I am scared of being robbed by clients. So keeping money to him is safer. I am going home before the festive and will take it with me. (Princess)

The challenge is the security guards of the hotel and some people in management. They sometimes demand to have sex with us without paying like other clients. They usually they are always doing us favours and we have to pay them back with sex. Sometimes if you refuse, they will chase you away and give your room to someone else. (Joy)

Oh...the bar is big and in most instances it is full of men. So I take my time to see who to target. It's better there because you get a chance to go straight to the person you want but the manager wants us to work (offer sex), not just talk with clients. (Angel)

The above extracts portray the image of a space where disciplinary power manifest in the bodies of sex workers. However, in classic Foucauldian fashion, the idea of power is not as straightforward, with the authority figure subjugating 'subjects'. Power is relational and de-agented - the relation between sex workers, clients and brothel or bar managers is complex, as will be discussed in the next section.

Foucault (1980) argues that there are various semi-autonomous techniques of government necessary for the regulation of the modern state. These techniques are "thoroughly heterogeneous ensemble(s) consisting of discourses, institutions, architectural arrangements, policy decisions, laws, administrative measures, scientific statements, philosophical, moral and philanthropic propositions, in sum, the said and not the said, these are the elements of the apparatus... the apparatus itself is the network that can be established between these elements" (p. 194). Two apparatuses that are relevant in the prostitution landscape are the *police* and the *pastorate*.

Foucault (1980, cited in Hook, 2007) understands police not only as those civil servants who are responsible for the protection of citizens and prevention of crime but "as a set of administrative concerns over people and things, over the relationship between men, property, produce, exchange, territory and the market" (p. 236). Historically, the task of the police was the maintenance of religion, the upkeep of morals, health and public safety (Hook, 2007;



Schirato et al., 2012), not only enforcing “law and order”. Could the construction of the police as custodians of morality and religion be the reason why prostitutes experience abuse at the hands of the law enforcement agents? It could be argued that the ill-treatment of sex workers is based on the fundamental (yet nuanced) belief that they should punish and discipline those who fail to adhere to the moral and religious code of society.

Foucault’s *pastorate* hypothesis (Schirato et al., 2012) posits that state organs often use a ‘caring’ discourse to control citizens. The pastorate is implicitly used in the report, with the commission positioned as caring by suggesting that prostitutes require therapy which will pave the way to redemption, but as discussed above the moralistic impulses that seem to underlie this discourse are camouflaged and kept in the background. The pastoral voice condemns sin (prostitution), but does not condemn the sinner (the prostitute) - the sinner must be redeemed provided she confesses her sins first.

In Foucault’s view, the caring professions such as nursing, teaching and psychology further the ends of disciplinary bio-power (Hook, 2007), and in this case bio-power is to be channeled through the therapist, who will act as the “servant of moral orthopaedics” (Foucault, 1975, p. 10). She will, one assumes, listen, in a caring manner, to accounts of each ‘patient’s’ deep-seated desires, secrets and fears in order to facilitate the process of rehabilitating her subjectivity.

The proposed regulation of the prostitute through diversion epitomises the art of modern government in which the state uses an array of apparatuses and interventions to control its citizens. The one apparatus, that of the police, is failing to adequately govern sex workers as non-docile and disobedient bodies. Almost everybody who provided evidence to the commission, including progressive organisations such as SWEAT, are in total agreement regarding this. Therefore, the real debate is around which mechanisms should be used to create docile and obedient sex worker bodies. The report favours turning the problem over to caring professionals, whereas many others favour structural reforms involving legalisation of prostitution and reforming the police service. Nobody, including sex workers themselves, champions the idea of a sex worker as a model of independence and liberty or as a free-spirited human being:

It is worse for foreign nationals especially those from Zimbabwe, Mozambique and Zambia. Also, sometimes the police raid the place and demand that we pay R300 as a fine or face arrest (Joy).

Hhayi, mina when I arrived here in Johannesburg...yah okay...even in Bethal, the police used to harass us and demand a bribe but hhayi here in Johannesburg it's worse, it's like they know...It's like they leave their station to target us. (Lihle)

Perhaps a more thorough-going resistance to the governmentalist impulse would be to construct (some) sex workers as agentic, nomadic and free-spirited instead of using the pastorate discourse to render them docile. However, while it is interesting that this discursive possibility does not appear to be on the table for any of the role players involved, not even for prostitutes themselves, one should be cautious about thinking that it would provide a magical escape from the docile-rendering impulses of bio-power. Prostitutes seen as 'free spirits' would soon enough be made governable as heroes of the free market.

### **7.5.2. The analytics of power, confession and surveillance of prostitutes**

This section will attempt to elucidate how the analytics of power as proposed by Hook (2007), drawing heavily on Foucault, could be utilised to understand prostitution discourse in South Africa. The central focus will be on how (disciplinary) power is exercised through confession and surveillance, as is evident in the 'summary and recommendations' section, and in interview transcripts.

Power is often believed to be primarily exercised at a macro-political level, but it should also be understood to be operating, as forcefully, at a micro-political level such as the family, school or church. The micro-political analysis of power allows one to break away from the mainstream lens of viewing power from the juridical, economic, repressive and ideological perspectives (Chaves, 2014; Collier 2009; Lemke, 2001). The analytics of power should identify how power is exercised "at the precise and localized individual levels of particular institutional interfaces" (Hook, 2007, p. 64), because power is sophisticated, multidimensional and productive.

In an attempt at understanding power, it is vital to avoid jumping on the bandwagon of viewing power through a model of repression or, as Foucault postulated, through a 'repressive hypothesis', because power is productive:

What makes power hold good, what makes it accepted, is simply the fact that it doesn't only weigh on us as a force that says no, but that it traverses and produces things, it induces pleasure, forms knowledge, produces discourse. It needs be considered as a

productive network.... More than as a negative instance whose function is repression...”  
(Foucault, 1980, p. 19)

In order to understand how power operates, one should be wary of any presumption that humanistic categories such as liberty, human rights, the singular integrity of autonomous subjects, or the ‘truths’ of subjectivity and individual uniqueness are outside of the bounds of power and opposed to its effects. An example here are campaigns by human rights groups that advocate for the decriminalisation of prostitution (and also those groups who are against prostitution). What exactly are these campaigns meant to achieve? Could they be used as justification for force or governmentality? Therefore, while it is shocking to hear accounts about the frequent absence of basic rights of sex workers (“these guys told her that she is a prostitute therefore she does not have rights” - Thando; “the security guards and clients take advantage of them because they are aware that...you know...they do not have proper papers” - Joy), and to note the report’s relative lack of concern regarding this state of affairs, it is important to bear in mind that, from a Foucauldian perspective, human rights provide no protection against the workings of power, which is constructive rather than repressive.

Rather than insisting on restoring the dignity and human rights of sex workers (important as that is), Foucault implies that ultimately some form of liberation can come only from interrogating the primary representations of the field of conflict, in this case the battle to make sense of and control prostitution. The focus should be on flagging the dominant primary ideals or dominant discourses (e.g., prostitution as immoral, prostitutes as vectors of disease, prostitutes as workers, and so forth) and these ideal forms or discursive patterns should then be put under scrutiny with the aim of unpacking where they come from, how they are enacted, for what purpose, and how they might be subverted.

There is a reciprocal relationship between knowledge and power: The exercise of power inevitably results in knowledge and the application of knowledge produces effects of power (Cilliers, 2013; Daldal, 2014; Hook, 2007). Hook (2007) further states that the productive relationship between power and knowledge is circular, that power cannot in effect be exercised in the absence of relations of knowledge. Consequently, this reinforcing relationship (i.e., power- to-knowledge and knowledge-to-power) works to establish complex sets of institutional mechanisms and procedures. Power is relational, that is, it must be “viewed within the analytical parameters of a dynamic relation, a force in flux that no one owns and can be exercised from innumerable points in the interplay of non-egalitarian and

mobile relations” (Foucault, 1997, p. 26, cited in Hook, 2007, p. 78). Consequently, power is brought to life by and through those subjects it (is meant to) control.

The operation of power in a relational rather than a top-down manner and the circular relationship between power and knowledge, can be seen, for example, in sex workers’ declarations and negotiations with clients around what acts they are willing to perform and what payment they will accept:

Yes, in most cases I increase the price at the end of the month and some customer want different things. So, for straight sex, I charge R70 and when the customer wants me to be on top, I charge R150. (Joy)

I don’t charge less than R300 but then again, it depends on what the client wants but yah... that’s how I charge. (Angel)

Okay, so, if a client wants me to be on top, I charge more and if he wants other styles, I also charge more. (Princess)

One customer removed a condom without my permission and when I realised later, I was angry with him because I did not want to fall pregnant. I demanded that he buys morning after pills. (Thando)

One understanding of this is that Joy, Angel, Princess and Thando here demonstrate that they are not merely passive subjects who are controlled by their customers - their interaction with customers is indicative of the complexities of power in the sex industry and they do hold some power when it comes to, for example, condom use, sexual positions they prefer, and how much a client should pay. A Foucauldian perspective would, however, go beyond apportioning power to different actors - the point is rather that in the exercise of power (such as a sex worker’s declaration that certain sexual positions cost more) knowledge is created (e.g., a taxonomy of different positions that may be considered more or less hard-core, and what might constitute a fair price for each position) and this knowledge in turn allows for the further exercise of power (e.g., in negotiations regarding how particular positions should be classified and paid for) - continuing in this fashion in an endless web of interpersonal interactions.

Foucault (1980, cited in Hook, 2007) postulates that in order to grasp the idea of power, we should attempt to understand power without an agent (i.e., not focusing primarily on those who exercise power). He warns that one should avoid questioning the objectives and

intentions of those exercising power because one could easily lose the primary focus - which is unpacking the material arrangements of force. He further argues that power is “reducible neither to the actions nor the intentions of its putative agents” (Hook, 2007, p. 81). Focusing on putative agents consequently leads to psychologising power into a series of mental and unconscious processes which could lead to understanding power as a function of greed, arrogance, ambition, or madness (Hook 2007). One also runs a risk of slipping far too “easily into a moral discourse of what is right and wrong in the human aetiology of power” (Hook, 2007, p. 81). Thus it would be all too easy to judge the Commission for their apparently one-sided and somewhat brutal exercise of power in writing the report, but pointing to the ill will of malign actors with bad intentions as the ‘cause’ for the report takes us no further in understanding how and why the report was able to come into being.

Closely related to the notion of power is the idea of resistance (Alldred & Fox, 2017; Grisetti, Aston, Warner, Martin-Misener & McLeod, 2016; Hook, 2007). The history of sex workers’ resistance is saturated with narratives of confrontation between feminists, law enforcers and prostitutes (Chateauvert, 2013; Cockburn, 2007; Doezeema, 2001). Several of the sex workers in my study spoke about how they resist, through collective agency, negative treatment including police brutality, exploitative pimps (and brothel owners) and unruly clients:

Oh, and you also get these customers who think that they are clever, who do not want to pay but mina (I) don’t take shit. I demand money first before sex. And what we’ve started doing with my friends is that before sex, I give it to them because sometimes they would rob you. (Thando)

You can say that... but if we are under attack, we become one. You can’t come to our space and ill-treat one of us and we watch. We will hurt you. You know sometimes clients think that they are clever. They would have sex with you and then refuse to pay. (Princess)

Foucault strongly maintained that repressive power, and resistance to it, exist but that is not the most important perspective on power in modern society (Foucault, 1975, 1978). Power is discursive, ideological and relational. Power is not about preventing people from being who they are, it is about creating people as a certain type (i.e., sex workers as victims or as agentic). Two main mechanisms through which power operates is by *confession* and *surveillance*. As indicated elsewhere in this chapter, the idea of the state with regard to controlling ‘deviant’ populations is to use apparatuses where the condemned are required to

confess their sins so that redemption can take place. The diversion programme is a clear example where prostitutes are subjected to confession through (a proposed) process of intensive therapy. Through a confessional mode, prostitutes are required to confess that what they are doing (i.e., selling sex) is wrong **and** that they are victims in all this. The report constructs prostitutes as victims; and clearly (as seen from Thando - “if I had money or if I came from a family with money, maybe I would not be a prostitute today”, Princess - “you are crazy if you think that it is normal to sleep with more than ten guys a day and if it were not because of economic hardships back home, I would not be selling sex, Angel - “Ukuhosha is morally wrong and there are many risks if you are a sex worker, and Lihle - “Nami, when I was young, I used to think that prostitution is a bad thing and even when I started selling sex, I used to feel bad”) some sex workers could decipher that selling sex or sleeping with different people is wrong although at the same time, they are victims of gender inequality and poverty.

Surveillance (in the report) seems to be less prominent than one might have expected. The report does not, for example, propose a national register of sex workers or that a grant should be offered to an organisation such as SWEAT to do a large-scale survey of transactional sex in South Africa. Such schemes have been proposed before. For example, when the current President of South Africa, Cyril Ramaphosa (in his capacity as the Chair of South African National Council) joined the decriminalisation debate (South African National AIDS Council, 2016; 2017), he suggested a registry for all prostitutes and a large scale HIV-TB project to exclusively focus on those selling sex. The criminalisation of prostitution, people often argue, drives prostitutes underground and as a consequence, it becomes invisible. One cannot have state surveillance happening underground; therefore, one has to decriminalise or regulate prostitution so that it becomes visible and manageable. This is probably the reason why surveillance is not more prominent in the report. The report sees surveillance happening (as it does now) through the repressive state apparatus of police, but with the non-punitive twist of diversion (which does of course involve some elements of surveillance in conjunction with the more prominent use of confession).

In addition to surveillance from police and other government agencies, women who sell sex are also subjected to other forms of surveillance reminiscent of the panoptical arrangements (involving a prison building where a single guard can observe many inmates simultaneously without being observed himself) that Foucault used as emblematic of his understanding of power-through-surveillance. The women I spoke to described various instances of panoptic

surveillance closely related to fear and violence, which are the goals of power. Women who solicit at bars spoke of ‘gate-keepers’ and ‘security personnel’ who keep an eye on both the sex workers and their potential clients. The women are typically not allowed to engage in a general conversation with someone if that person is not clearly intent on buying sexual services from them, because (as Princess explains) “potential clients do not get an opportunity to buy the sexual service from the sex worker because she is occupied”. Sex workers live in constant fear of this panopticon which hovers around to check if they are being productive. If it happens that they engage in a general conversation, without any financial benefit, they run a risk of being subjected to violence from the so-called security personnel, with the result (as is always the case for surveillance) that they police themselves.

Another dimension brought by the panopticon is the idea of productivity. Women who solicit in these establishments are required to pay a certain fee to the ‘owners’. In effect, they are part of the productivity machinery of the capitalist system. They are required to produce a certain amount, of which some portion will go to the ‘owner’. The panopticon is required to make sure that all the women who are at work become productive, hence time is money in these contexts.

### **7.5.3. Foucault’s technologies and prostitution**

Foucault (1988) suggests that there are four major types of technologies through which we operate. First, technologies of production which permits us to produce, transform and manipulate things. This technology is usually used by authority. Second, technologies of sign systems which permits us to use signs, meanings, symbols or signification. This technology is also often utilised by authority to control its population. Third, technologies of power which determine the conduct of individuals and submit them to certain ends or domination, an objectivising of the subject. These include sovereign power (monarchies), disciplinary power (e.g., the legal system), which is maintained through the ‘normalisation’ of discourses, surveillance and monitoring, and enforced by the law, courts, correctional officers and the police. Finally, technologies of the self, which “permit individuals to effect their own means or with the help of others, a certain number of operations on their own bodies and souls, thoughts, conduct and way of being, so as to transform themselves in order to attain a certain state of happiness, wisdom, purity or immorality” (Foucault, 1988, p.18). Suffice to say, technologies of production and technologies of sign system allow society to function in practical terms through production and communication (Foucault, 1988; Schirato et al.,

2012). The technologies of power are meant to produce and regulate human subjects. The previous sections (i.e., governmentality, power, surveillance and confession) discussed ways in which power is exercised through different apparatuses such as the police, the pastorate and legislation. I will now turn to the *technologies of the self* and ways in which subjects (in this case, sex workers) confine and constrain themselves. Foucault (1988) defines technologies of the self as internalised mechanisms of power, sharply contrasting with technologies of power which are exercised on people by outside forces. Self-discipline and self-surveillance are key in this economy of power as they are designed to produce docile bodies and ‘good’ subjects. An individual polices himself or herself, becomes his or her own panopticon over and against himself or herself (Foucault, 1988; Schirato et al., 2012). Hook (2007) defines a technology as an “expert system made up of discrete sets of applied skills, techniques, practices, knowledges and forms of specialist language used whether by experts on a deviant subject or by individuals on themselves as a means of achieving a stated objective of increased mastery or control” (p. 216). The ‘summary and recommendations’ section of the report clearly demonstrates that:

1. Prostitutes are constructed as deviants; the only way to redeem them is to enrol them in the diversion programme.
2. The experts in this case are the legal people who decide that selling sex is illegal and undesirable. Their argument is based on a moralistic discourse of what is seen to be right and wrong. Selling sex (and soliciting) especially in a public space is punishable and the road to forgiveness begins with the prostitute confessing their sins which then leads to redemption.

The diversion programme proposed in the report is one of the means of controlling the prostitute. She is subjected to intensive therapy and a form of cleansing as suggested by the proposed temporary residence. This is equivalent to a quarantine whereby those ‘infected’ are removed from the general public for fear of contamination. Implicit in the idea of a temporary residence is a belief that removing the infected will result in the some form of control of the epidemic (in this case prostitution). A further example is seen in many rehabilitative programmes which are directed at redemption of other ‘deviant’ groups such as drug addicts. They are also subjected to a ritualistic cleansing whereby they are put in a temporary residence for months on end until the drugs (and bad habits) are cleansed out of their system. The diversion programme suggested in the report would then act as a disciplinary apparatus



which will rehabilitate deviant subjects that have erred and failed to uphold the moral values of society. The hope of the commission is ultimately to re-institute the prostitute as a normalised individual who has “a fundamental structure of observant, reflexive and judgmental relations to self” (Hook, 2007, p. 232).

## **7.6. Conclusion**

The chapter provided some insight into the discursive landscape of prostitution in South Africa by using two sources of data: Interview transcripts and the Project 107 report on adult prostitution in South Africa. The interviews provided an opportunity to unpack ways in which subjects (i.e., sex workers) come to recognise themselves as objects of repression through disciplinary power. One might then ask, what is the ultimate culture of disciplinarity? Hook (2007) postulates that the aim of disciplinarity is normalisation which entails the generation of productive, docile and self-regulatory souls. In reviewing the history of prostitution, I attempted to demonstrate discursive formations within which prostitution was understood in Convict Australia, Victorian Britain, Africa and South Africa in particular. The most dominant discursive formation and the subject positioning that is inherent in the semi-structured interviews with prostitutes is that of a victim but also an agent which is congruent with the discursive formations during different time eras and spaces.

The second part of this chapter focused on unpacking the discursive construction of prostitution in the Project 107 report. I focused on the ‘summary and recommendations’ section of the report with the aim of unpacking rhetorical manoeuvres that go into summaries and attempts to make them appear legitimate and truthful. I also discussed how the prostitute is constructed in the report, her subject positioning and ways in which disciplinary power is exercised on the prostitute. From the analysis, it became clear that agency is complex, it (or the idea of it) is used in certain ways and is suppressed for certain purposes. This is emblematic of how the modern world is managed. For instance, agency is thrust upon individuals. They are told to make their lives worthwhile while at the same time their agency gets taken away from them.

## CHAPTER 8

### WRAP-UP

#### 8.1. Recap and summary

Like all human phenomena, prostitution is not an objective reality, but is the product of history and disputation, including academic debate. I therefore started the thesis (following the introduction) with four chapters focusing on the historiography and theory of prostitution, both internationally and locally.

Chapter 2 focused on the historiography of prostitution across different time and geographical zones. During the Convict Era in the British Empire, many women who were shipped to Australia sold sex as a means of survival during their torrid voyage from Britain. However, across the empire prostitution was also as much of a profession as it is today. The Victorian ethos can be seen as in part a reaction against the ‘moral degeneration’ resulting from the industrial revolution, and championed ideas of peace, prosperity, refined sensibilities and national self-confidence. Therefore, it is unsurprising that in Victorian Britain prostitutes were constructed as morally bankrupt and as a threat to good order. As the Victorian era progressed, prostitution became increasingly controlled by ‘vice police’ and the social welfare authorities, with the introduction of the Contagious Diseases Acts of 1864, 1866 and 1869, and the Vagrancy Act of 1866. The types of moral censure, coupled with juridico-medical forms of management, that characterised prostitution during the Victorian era are still with us today.

However, the image of the prostitute as moral deviant and vector of disease has also always been accompanied by another image - that of the prostitute as unfortunate victim who has been brought low by circumstances and by malign individuals wishing to exploit her. The victim discourse, although ubiquitous, emerges in the context of different social issues and agendas that show clear regional variations. In Chapter 2, I argued that to understand prostitution in Africa, for example, it is important to value the local and regional economic, social and political contexts. For instance, the ‘discovery’ of gold and diamonds in South in the late 18th century provides a glimpse of how selling sex became embedded in local economic conditions and became an issue of supply and demand. Local women who sold sex to mine workers, for example, did not project themselves as victims, but presented

themselves as entrepreneurs who seized an opportunity for financial gain (although no doubt some, were pushed into having to sell sex purely because of limited economic opportunities).

In addition to the ‘popular’ ideas that have shaped prostitution, it has also for a very long time been the object and product of more formal theorising. In Chapter 3, I discussed diverse theoretical underpinnings of prostitution. The **functionalist** argument that prostitution is a necessary evil tends to construct those who work in the sex industry as agentic - choosing to take on a role for which there is a social need. This view of prostitution as socially necessary has largely been discarded as a formally respectable theory of prostitution, but lingers on as a common-sense understanding. The **social constructionist** perspective understands prostitution to be relative, that the significance of classification is important and that prostitution could be seen as a career, with sex workers moving from beginners to occasional prostitutes and finally to a point where prostitution becomes their career. It is interesting to note that there are a few studies that focus on university students and their susceptibility to selling sex. These studies seem to perceive selling sex as a problem among university students more so than among other sectors of society and there are recommendations that students, particularly females, should be provided with emotional and financial support to resist selling sex, especially to older males (Sagar et al., 2015; Sagar et al., 2016; Sanders et al., 2016). The phenomenon of older men targeting young women who are in financial need has taken different discursive turns in South Africa, with the #blesser/blessee and Mavuso phenomena dominating public and social media spaces in recent times, with debates swirling around issues such as the dangers of romanticising and normalising transactional sex, the moral character of women who participate in such activities, and (of course) how men should go about satisfying their sexual needs.

The **feminist** understanding of prostitution is probably the most prominent (and respectable) theoretical position on prostitution. Feminism in general constructs prostitution as the epitome of male domination, arguing that economic inequality between men and women and the objectification of the female body are the main reasons why some women end up selling sex and their bodies. Of course, feminists are divided on many issues around prostitution. There are disagreements on whether prostitutes sell sex or their bodies, with the more traditional or radical feminists arguing that they are in fact selling their bodies (see Farley, 2004; Jeffreys, 2008a, 2008b; Pateman, 1999), while liberal or sex positive feminists argue that selling sex does not equate to selling one’s body. Liberal feminists argue that the sexual

act can be separated from one's body, which makes it possible for many sex workers to engage in sexual acts with different clients without 'catching feelings' (see the work of Carpenter, 2000).

In Chapter 4, I discussed how feminists and sex workers have, over the years, come to be at odds with each other. I argue that this is partly due to a failure by the feminists to acknowledge the collective resistance of sex workers. On more than one occasion, feminists have been blamed, rightly or wrongly, for 'hijacking' sex workers' struggle for recognition by speaking on their behalf and 'silencing' them.

In Chapter 5, I discussed how social constructionism (epistemology), critical social theory (ontology) and discourse analysis (methodology) could be interwoven in order to provide a broader and more critical understanding of prostitution. Social constructionism, as an epistemological position argues that in order to understand prostitution, one should take into account the cultural and historical context within which meaning is constructed. Critical social theory, particularly Horkheimer's dialectical mediation (which critiques paralysing dichotomies), Adorno's Authoritarian Personality (which argues that those with this type of personality hold conservative views about prostitution), Habermas' idea of discourse (which postulates that those who know best, i.e., prostitutes, should be provided with an opportunity to construct their discourse) and Honneth's conceptualisation of power and recognition, were used to critically elucidate the discursive landscape of prostitution and how it is constructed in a capitalist economy.

Feminists and researchers interested in the debate on prostitution (i.e., whether prostitutes are victims or agents) could take a leaf out of Horkheimer's concept of dialectical mediation, which suggests that for the sake of strengthening academic discourse, the focus should not exclusively be on differences but also on similarities that shape and improve our social existence. Habermas in particular, focused on discourse, especially on what can pragmatically be achieved through communication (rather than whether communication is true in an abstract sense). Applied to the problem of creating 'adequate truths' about the nature of prostitution it should be evident that much of what is said and written about the phenomenon should include the voices of prostitutes themselves.

Honneth's conception of power is closely linked to Hegel's theorising on the struggle for recognition or what Hook calls liberation (Hook, 2007). Honneth seemed to be in agreement with Foucault, in that contrary to many critical theorists who only understood power as top

down, both understood power as relational, seeping in from the sides, and ‘de-agented’ (Foucault, 1980; Honneth, 1991; Hook, 2007). Applying critical theoretical ideas from the Frankfurt School in understanding prostitution is useful in that it locates prostitutes’ struggle within a larger critique of modernity and the pathologies of capitalist society, and in that it offers ways in which society as a whole can be emancipated.

The next two chapters reviewed two types of work that goes into the social construction of prostitution: sex work and discursive work.

In Chapter 6, I discussed practical ways of engaging with data by using Foucauldian discourse analysis, which suggests that discourses change over time. They are influenced by particular events and processes that are unique to that historical context. I attempted to show that discourses about prostitution are historically intertwined with local events. For example, texts on prostitution during the Convict era and Victorian Britain were dominated by morality, and in recent years, have been dominated by a more medicalised ‘fear-mongering’ discourse. This of course, does not necessarily mean that discourses cannot transcend time and place. In addition, discourses are bound up with institutional practices, that is, ways of regulating, organising and administering social life, and these structures in turn support and validate the discourses that help to bring them into being (Phillips, Lawrence, & Hardy, 2004; Kang, 2014; Willig, 2008). Using FDA, I was interested in the reciprocal relationship between discourse and how people think or feel (subjectivity), what they do (practices) and the material conditions within which such experiences take place (Hook, 2001; Mollinga, 2010; Willig, 2008). When an individual is constructed through discourse, he or she is accorded a particular subject position within that discourse which brings with it a set of images, ideas and obligations concerning the kind of response that can be made.

In Chapter 7, I presented an encounter with data in two sections. Part one presented interview data unpacking the life worlds of sex workers and the discursive constructions that shape their work. This was achieved through a Foucauldian discourse analysis of transcripts of interviews with sex workers who plied their trade in Johannesburg. The analysis showed that sex workers sometimes construct themselves as victims (particularly of the capitalist system) but also as agents - i.e., that they become and remain sex workers by choice. Their accounts were suggestive of a life that involves many compromises and requires one to make ‘hard choices’.

Part two focused on a report that was compiled by the Department of Justice and Correctional Services (and SALRC), titled 'Project 107: Adult prostitution in South Africa', which argues that prostitution should not be decriminalised. Three aspects stood out from the 'summary and recommendations' section of the report. First, unsurprisingly, the report recommended that prostitution should not be decriminalised, citing among others, as reasons, that it will further victimise the already vulnerable women and children. Second, it argued that sex work should in fact, not be classified as work, citing 'respectable' bodies such as the ILO Decent Work Agenda, New Growth Path and Decent Work Programme for South Africa, which further support the commission's views. Third, the commission proposed a diversion programme for those in the sex industry. These three recommendations point to a lack of understanding of the actualities of the sex industry.

The report conflates sex work with human trafficking and forced prostitution. Since sex work is not classified as work, those who are in the sex industry run the risk of being victimised by greedy brothel owners, as these women are not protected by labour law. Recommending a diversion programme which entails 'intensive therapy' suggests that there is something wrong with sex workers. Despite numerous attempts by sex workers themselves to clarify that they have made an informed choice, that there is nothing wrong with their psyche and that they are aware of the risks inherent in the sex industry, it seems that the public, the legal fraternity and academics are not willing to respect their choice.

Both data sources revealed that stereotypical depictions of sex workers as either agentic or completely stripped of agency are very far from the everyday (discursive) world that sex workers inhabit.

The latter phase of the chapter discussed how Foucault's social mechanisms of governmentality, power, confession, surveillance and technologies of the self could be used to understand the construction of 'sex work'. I argued that modern governance proceeds along subtle lines to shape subjects so as to make them amenable to control and then creates mechanisms that operate on these already 'governable' subjects. There are two mechanisms through which power operates: confession and surveillance.

The diversion programme is a clear example of prostitutes being subjected to confession through a (proposed) process of intensive therapy. However, I myself also served as one of the relays in the circuitry of power, in that through my research a confessional space was constructed in the interviews, in terms of which participants had to reveal their deepest

secrets, desires and thoughts to me, which in turn ensured that they would remain constantly vigilant in policing their own life stories.

Surveillance is considerably less prominent in the report than confession, but in their daily lives sex workers are very much embedded in networks of power-knowledge based on surveillance. These forms of surveillance range from all manner of official records (such as the citizenship papers that cause so much difficulty for some) to panoptical arrangements in clubs and bars with ‘security personnel’ keeping an eye on both sex workers and potential clients. Seen from a Foucauldian perspective, sex workers are not at the bottom of some pyramid of power, but are immersed in it, and wield various ‘technologies of the self’ to police themselves through self-discipline and self-surveillance: Power is relational and multidirectional and seeps in from the sides. I will return to consider the implications of this for the question of agency versus victimhood at the end of this chapter.

## **8.2. Methodological commentary**

I decided to gather materials for this study in three overlapping phases. First, I engaged in observation in settings where sex workers gather. This phase became profound as I ‘got a feel’ for the field under study. In addition to observation, I also managed to hold informal conversations with a few male clients, which provided useful background about the sex industry. Second, I immersed myself in the “Project 107” report on adult prostitution in South Africa. It is a sizeable document, with 531 pages, but my analysis focused mainly on Chapter 2, particularly the ‘summary and recommendations’ section. I chose this section because it captures the essence of the report, especially the recommendations on the decriminalisation (or as the report puts it ‘non-criminalisation’) of prostitution. Third, I conducted semi-structured interviews with female sex workers plying their trade in Johannesburg. Using triangulation by drawing from different sources was useful, helping me to build a rich understanding of the world of sex work.

As expected with sensitive and controversial topics, each phase was met with difficulties. During the observation phase, it became increasingly difficult to observe the interaction between sex workers and their clients without participating in the performance. As discussed in the previous chapter, security personnel became increasingly suspicious of me because I was not buying sexual services and increasing pressure from them led me to terminate this phase prematurely for reasons of personal safety.

Phase 2, reading, re-reading and analysing the 531 page report, happened in the relative comfort and safety of my office, but was not without challenges. The sheer bulk of the report was quite daunting, as was the legal tone in which it is written. I do not have a legal background, so had to become familiar with this register of writing, *inter alia* by immersing myself in other legal documents relating to prostitution. I eventually realised that I could not possibly do a detailed analysis on the entire bulky document, but choosing a section to focus on more closely was also somewhat challenging. I ended up focusing on Chapter 2, specifically the ‘summary and recommendations’ section, as it seemed to me to be most ‘representative’ of the report as a whole and also the section that is most likely to be read and acted upon by others.

The challenges experienced in Phase 3, the interviews, were somewhat different. Sex is of course a difficult topic to talk about openly, especially for individuals who come from a conservative background, and when I spoke about my research with the general public, I did indeed sometimes get awkward and avoidant responses. I started doubting my ability to hold a conversation, which includes topics that are of sexual in nature, let alone hold a conversation with a sex worker. Fortunately, I drew strength from previous interactions with sex workers and sex worker organisations that I had interactions with during the ‘hate crimes’ project that I was involved in. As it turned out, it felt relatively easy and ‘natural’ to connect with the interviewees in a somewhat intimate and friendly manner, despite differences in our gender and social backgrounds.

Up to this point, I have discussed the ‘process’ or the intimate details of what gave birth to this thesis. In addition, the theoretical dance between ontology (critical social theory), epistemology (social constructionism) and methodology (discourse analysis) also proved difficult - sometimes overlapping, sometimes contradictory, and sometimes not fully in sync. While writing this thesis, I recognised that a purist approach would have insisted on more sharply delineating the contradictions and dividing lines between these three elements, and within each, but for the purposes of starting to develop a deeper understanding of prostitution I believe that the three did work in concert to help open up the field of study.

In terms of practically doing the analysis, I settled on a simplified six stage Foucauldian Discourse Analysis as suggested by Willig (2008), comprising of the following stages: Identification of discursive constructions and objects, identification of wider discourses, unpacking the action orientation of talk, ways in which subjects are positioned, the practice of



discourse and subjectivity. Using ‘stages’ and ‘Foucault’ in one sentence raises a red flag for those familiar with his work. Foucault was sceptical of using ‘recipe-like’ methodical analyses. His work was seen as deconstructive and unorthodox (Hook, 2007). In a way, it was therefore unsurprising to discover that using these steps in a linear fashion is sometimes impossible. Therefore, the analysis of interview transcripts and of the Project 107 report was in no way linear, following a step-by-step guide. Conceptually, these steps helped to ‘stretch out’ the interview transcripts and the report to make some of the ‘building blocks’ that held them together visible, and to clarify what I should look out for, but in practice (especially when I had to start ‘writing up’), these steps overlapped and coincided, prompting me not to present the ‘findings’ in a step-by-step manner, but rather in a more intuitive format, in ‘one go’.

In the course of doing the analysis, I also (re-)discovered that it is challenging to implement discourse analysis in large texts. However, much I tried to restrict the portions of the full report (and the full transcripts) that I would focus on ‘in depth’, and however much I tried to focus narrowly on the research problem, aims and objectives, the particular section of text that I was looking at always seemed to open up to more discursive dimensions and possibilities than I could possibly hope to do justice to. Being systematic helped, but not much, and I became acutely aware that one could, for example, choose whichever discursive objects spoke to one most stridently and discard or ignore all the other myriads of objects that seem to pop out of even the shortest passage. Another person doing discursive work, using the very same text, could construct a very different picture of the discursive wars being fought over prostitution in South Africa today. I do not think one can entirely set aside such misgivings about personal bias simply by saying that in qualitative work multiple constructions are always possible, but I do hope that my particular account, while not the final word, is at least compelling in parts, and does at least open up perspectives that may otherwise have remained obscure.

### **8.3. Recommendations for future research**

An impulse that drove this thesis right from the start was to try and foreground the life-worlds and voices of sex workers themselves. Endless texts have been produced, and continue to be produced, by people speaking on behalf of prostitutes, but hearing prostitutes speak for themselves, individually and collectively, is relatively rare. Coming to the end of the thesis, this remains an overriding concern for me. However, it is important not to confuse this with a

romanticised celebration of sex workers' voices as uniquely authentic and unsullied by the corrupting influences of power. As I tried to show, sex workers are products and producers of knowledge and power - always already enmeshed in the complex historical network that makes objects such as 'prostitute', 'pimp' and 'policeman' possible in the first place. They are, however, in some sense at the centre of this network and they do speak from a position that is different from the usual academic, activist and administrative voices that seem to drown out all talk about prostitution.

My main focus in this thesis was on a particular discursive black hole, defined by the apparent opposites of agency versus victimhood, that talk about prostitution always seems to get sucked into. In the course of speaking to sex workers and perusing a report on the decriminalisation of prostitution, I caught some glimpses of possible pathways out of this 'paralysing dichotomy', which I present here in the form of a set of recommendations for future discursive work around prostitution.

1. **Attend to discourses.** A key principle of discourse analysis is to look past the surface claims that any text may appear to be making, attending instead to the underlying discourses that the text draws on and feeds into. I would suggest that this is also a useful general principle in relation to prostitution: When confronted with any text or talk about prostitution, first consider what historical discourses are being channeled through the text or talk before being drawn into debate about the merits of the argument or factual claims that the text appears to be making. Specifically ask if and how the figure of the prostitute as exploited victim, as free-market entrepreneur, as vector of disease, or as fallen woman is being dragged onto the stage to perform her by now much-rehearsed moves. Texts about prostitution often provide starring roles to one or the other of these personas, but one can be sure that the others are waiting in the wings.
2. **Attend to how discourses are deployed.** As I engaged with the report and interview transcripts, I was struck with how discourses seem to have an agency of their own (appearing as if unbidden in a text to constrain the universe of meanings that the text is able to draw on), but I was also equally struck with how discourses often appear to be deliberately, strategically and craftily (mis)used to construct particular images of prostitution for particular purposes, and for a particular audience. For example, once I noticed how the feminist victim discourse appeared to be hijacked and used in the

report to (it seemed to me) cover up less politically correct conservative imperatives, the report opened itself up as a much more intricately constructed discursive artifact than I had initially realised. I approached sex workers' narratives in a much more sympathetic spirit, but it goes without saying that these should by rights be put under the same kind of spotlight in order to unpack how discourses are (mis)used to further the ends of the text. For instance, when talking about condom use, most participants positioned themselves as hyper vigilant and rational, resisting being interpellated into playing the 'vector of disease' in the Public Health drama and appropriating the role of 'hygiene conscious citizen' instead. However, epidemiological studies suggest that large numbers of sex workers are, in fact, HIV positive and the nexus of knowledge and power within which this happens does need to be unpacked.

3. **Valorise forms of discursive resistance that disrupt 'paralysing dichotomies'.** The key dichotomy that I wrestled with throughout the thesis is that of agency versus victimhood, but the other historical discourses that shape what it is to be a prostitute similarly tend to pull texts into sterile either-or constructions. Listening to sex workers, I noticed ways in which they did seem to manage to sidestep this, in particular by speaking of themselves as 'ordinary' citizens like anybody else. Discourses such as the victim discourse, entrepreneur-agentic discourse, vector of disease discourse and fallen woman discourse all have one encompassing character, that of constructing sex workers as 'not people' - insisting on the impossible task of grouping sex workers into neatly packed (and ready-made) categories, while the intimate details of their lives, such as their families, how they interact with their parents, children and partners, are ignored. In addition to resistance in the form of attending to the ordinary domestic details of sex workers' lives, I also noticed another form of resistance in sex workers' talk, namely taking a discourse on board, but twisting and expanding it to change its character and impact. Two specific examples are the ways sex workers continually speak of having (had) to make 'hard choices' in life (thus insisting on their own agency while acknowledging that it is constrained by structural injustices) and the many examples they provided of the exercise of *collective* agency by sex workers as a group (which again appropriates agency, but takes it away from the individual economic agent so beloved by free-market enthusiasts).

4. **Focus on knowledge not power.** One of the reasons I and others like myself are drawn to doing research with sex workers is that they self-evidently are among those who always receive the short end of the stick when power is apportioned among different social players. However, as Foucault tried to make clear, this is ‘sovereign’ power - the kind of power that can be consciously held and wielded by individuals and institutions to oppress others. More pervasive and significant in the modern world is discursive power, which is inextricably intertwined with knowledge and which creates possible forms of subjectivity rather than suppressing it. We are so accustomed to thinking of power in sovereign terms that simply mentioning the word already triggers images of holding, wielding and oppressing, and it is therefore better, deliberately and strategically, not to talk about power in relation to sex workers, but about knowledge. What kinds of historically constructed knowledge keeps circulating, again and again, through contemporary texts about sex workers? What are the processes through which official and unofficial knowledge about sex work is produced and disseminated? What lines of flight may be available to deflect the discursive trajectories that texts always seem to find themselves to be taking?

In making the above recommendations I have in mind ways forward for academics, activists and researchers such as myself who have an interest in the phenomenon of prostitution and a sense of solidarity with sex workers. Equally, however, I have in mind sex workers such as Thando, Princess, Angel, Lihle and Joy, and their many sisters and brothers, who do not need to be rescued and who do not need others always to be doing things such as ‘discourse analysis’ on their behalf. I saw sex workers speak with confidence and conviction about the nuances of their life and work and know that sex workers, as much as anybody else, are able to (and I would say *should*) decipher the ideologies and discourses around sex work, as they already do individually and collectively through informal collegial networks and through organisations such as SWEAT.

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## **Appendices**

### **Appendix A**

#### **Consent Form for Participants**

I have received information concerning the research and I understand the purpose of this study

I consent to participate in the study subject to the following conditions:

1. I am aware that all information regarding myself will be treated confidentially and will be stored securely.
2. I understand that I am under no obligation to participate and that I may withdraw from the research at any time without prejudice.
3. I am aware that any raw data the study depends upon will be retained.
4. I have been informed that published data will be in a summative format and will not be linked to me unless I give express written permission to the researcher to do so
5. I will receive no payment or compensation for participating in this project
6. I am aware that the scientific results emanating from this study may be published as an article in a scholarly journal or form part of conference proceedings.
7. I have been informed of my rights to access the findings of this project.

I am willing to participate fully in this study and agree that related interview(s) may be recorded

.....  
Initial(s) & surname of participant

(Capital letters please)

.....  
Date

## **Appendix B**

### **Interview guidelines**

Demographics: Age, gender, nationality, education, marital status, income, health status, housing

Talk about: family, friends, school, work etc...

How sex workers talk about their families, friends, school and the institutions thereof

Age of sexual initiation

How sex is constructed

Idea of “falling” at young age

How discourses of sex and sexuality, largely identified in accounts of sexual experiences in heterosexual romantic relationships, are also threads in a different cloth- social construction of sex work

Sex work as part of transition (community of transience)

Legal and social status of sex work, health and safety concerns

Demand for sex/sex worker’s services

Sexual identity and love relationships

Reasons for prostitution (how they talk)

Talk about benefits, number of customers (talk) different services rendered

Talk about use of condoms, dangers, regrets, whether there is a possibility of quitting and why?

What are the society perceptions towards prostitution (including sex workers themselves and their clients)?

Which social structures (family, government) and policies help shape prostitution in South Africa (culture, church, media, movies)

What cultural or sexual practises discourage or promote prostitution among women in SA

What is the role of prostitution in family well-being

## Appendix C

### Ethical clearance certificate

Ref. No: PERC-16001



### Ethical Clearance for M/D students: Research on human participants

*The Ethics Committee of the Department of Psychology at Unisa has evaluated this research proposal for a Higher Degree in Psychology in light of appropriate ethical requirements, with special reference to the requirements of the Code of Conduct for Psychologists of the HPCSA and the Unisa Policy on Research Ethics.*

**Student Name:** Mr. Khonzanani Mbatha

**Student no.:** 33381992

**Supervisor:** Prof Martin Terre Blanche

**Affiliation:** Department of  
Psychology

**Title of project:**

*Sex workers as free agents and as victims: Elucidating the life worlds of female sex workers and the discursive patterns that shape public understanding of their work*

The proposal was evaluated for adherence to appropriate ethical standards as required by the Psychology Department of Unisa. The application was approved by the Ethics Committee of the Department of Psychology on the understanding that –

- All ethical requirements regarding informed consent, the right to withdraw from the study, the protection of participants' privacy and confidentiality of the information will be strictly adhered to. This will be explained to the research participants and signed consent forms will be obtained from them;
- To guard the right of confidentiality, potential participants will have to indicate their willingness to participate by volunteering. An organisation like SWEAT will not be asked to disclose the identities of potential participants, but may play a mediating role by making the study known to potential participants and requesting voluntary participation;
- All interviews must be conducted individually and no identifying information should be released;
- Where references to specific cases are made, the right to confidentiality of persons indirectly implied will be protected, and no identifying information through which the

sources of original data can be determined, and which may undermine the right to confidentiality of particular individuals, will be disclosed.

Signed:



Date: 11/02/2016

**Prof P Kruger**

[For the Ethics Committee ]

[ Department of Psychology, Unisa ]

***The proposed research may now commence with the proviso that:***

- 1) *The researcher/s will ensure that the research project adheres to the values and principles expressed in the UNISA Policy on Research Ethics.*
- 2) *Any adverse circumstance arising in the undertaking of the research project that is relevant to the ethicality of the study, as well as changes in the methodology, should be communicated in writing to the Psychology Department Ethics Review Committee.*
- 3) *An amended application should be submitted if there are substantial changes from the existing proposal, especially if those changes affect any of the study-related risks for the research participants.*
- 4) *The researcher will ensure that the research project adheres to any applicable national legislation, professional codes of conduct, institutional guidelines and scientific standards relevant to the specific field of study.*

***Please note that research where participants are drawn from Unisa staff, students or data bases requires permission from the Senate Research and Innovation Committee (SENRIC) before the research commences.***